THE LEAGUE OF NATIONS

POLITICAL ACTIVITIES

Vol. I

Information Section,
League of Nations Secretariat,
GENEVA.

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Presented by S. Murugappa
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GENEVA.

NOTE

This pamphlet is the last of a short series issued by the Information Section of the Secretariat of the League of Nations on various aspects of League work. Other pamphlets deal with the constitution and organisation of the League, the Permanent Court of International Justice, the financial reconstruction of Austria, financial and economic work, the financial administration of the League and allocation of expenses, disarmament, health, mandates, minorities, transit, the administration of Danzig and the Saar, intellectual co-operation, and humanitarian activities.

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January 1925.

CONTENTS

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POLITICAL ACTIVITIES

INTRODUCTION

This pamphlet contains an account of the chief political questions with which the League of Nations has dealt since its foundation (1).

They are of varying importance, but all, except the Italo-Greek dispute, are in one way or another traceable to consequences of the war. The Aaland Islands question, he Memel question, the dispute between Poland and Lithuania concerning Vilna, all arose out of the territorial and political changes which took place in Northern Europe after the war. Similar changes in Eastern Europe, due to the same, cause raised or revived the Albanian question and the question of raids by armed bands into the territory of Bulgaria's neighbours.

The Upper Silesian question, the question of the Hungarian optants, and the various frontier questions were primarily due to differencies of opinion as to the application of the peace treaties.

Some of these, notably the frontier questions, were laid before the League of Nations under definite provisions in the peace treaties; some were submitted to the League through the Governments of certain of the States Members;

(1) Minorities and mandates questions are excluded from this account of political activities, as they are dealt with in other pamphlets in this series. References to political and minorities questions are also to be found in the pamphlet on the Permanent Court of International Justice.

and some through the Supreme Council or the Conference of Ambassadors.

In most cases, they were brought before the League under Article 11 of the Covenant, which declares it to be "the friendly right of each Member of League to bring to the attention of the Assembly or of the Council any circumstance whatever which threatens to disturb international peace or the good understanding between nations upon which peace depends".

THE AALAND ISLANDS SETTLEMENT

THE SITUATION UP TO JUNE 19TH, 1920

The Aaland Islands settlement was an incident in the general re-adjustment that took place around the Baltic as a result of the war.

These Islands, about 300 in number, form the western-most group of the archipelago around the south-western and southern coasts of Finland, and constitute a district of the Finnish province of Abo-Björneborg. There are about 25 miles of open sea between the most westerly of these islands and the Swedish coast. The 26,000 inhabitants are Swedish by language and descent, as are the inhabitants of most of the rest of the archipelago and of the adjoining coastal districts. Although they are geologically part of the Finnish archipelago, the Islands are nearer Stockholm than Helsingfors, and their inhabitants have important trade relations with both Sweden and Finland. Their position gives the Aaland Islands great strategic importance. The total Swedish population of Finland numbers about 400,000. The total population is about 3,200,000. But the Aaland Islanders have a certain local sentiment and tend to look upon themselves as a separate group.

Before the war, Finland was an autonomous Grand-Duchy whose sovereign was the Tsar : Esthonia, Latvia and Lithuania were Russian provinces. As a result of the war and the Russian Revolution these countries all became independant States. At the time Finland declared her independence the inhabitants of the Aaland Islands manifested a desire to unite with Sweden, with which the whole of Finland, including the archipelago, had been united until 1809; Swedish public opinion and the Swedish Govern-

ment showed the liveliest sympathy for this movement. At the same time the military status of the Aaland Islands, which had been demilitarised by the Treaty of Paris of 1856, was left in doubt as a result of the Finnish declaration of independence and the disappearance of a recognised Russian Government.

The fortifications built during the war were razed in 1919, under the supervision of a mixed Swedish-Finnish Commission. Meanwhile a movement for union with Sweden had begun in the Aaland Islands as early as August 1917 and became increasingly active as time went on. The Aaland Islanders held informal plebiscites and sent petitions and deputations early in 1918 to the Senate of Finland, the King of Sweden and the Emperor of Germany, and subsequently in November 1918 (two days before the Armistice) appealed to the President of the United States, the President of the French Republic and the Government of Great Britain. In these appeals they declared their desire to be united to Sweden on historic, economic and national grounds, and in virtue of "the right of self-determination".

This situation led to a declaration by the Finnish Government in March 1918 of its intention to grant a measure of autonomy to the Islands. Further steps in the same direction were taken in the summer of that year, when the minority rights of all Swedes in Finland were guaranteed by the new Constitution; in January 1919, when a Committee was appointed to draft proposals for granting autonomy to the Aaland Islands; and in May 1920, when an autonomy law was actually passed.

The Islanders, however, continued to appeal with great persistence and earnestness for the right of uniting with Sweden. The Swedish Government and public opinion in Sweden warmly supported these claims, and repeated attempts were made by the Swedish Government to negotiate on the

question with Finland. The Finnish Government, however, throughout took the position that Finland's sovereignty over the Aaland Islands was indisputable, and that, while quite ready to negotiate on the effective neutralisation of the Islands, it did not propose to discuss the question of a plebiscite. The conflict of views became increasingly bitter and public opinion on both sides was getting roused. In June 1920 the Finnish Prime Minister, accompanied by the Ministers of War and Commerce, visited the Islands to explain the new autonomy law that had just been passed and to urge its acceptance by the Islanders, who, however, flatly refused. The next day, June 5th, the two leaders of the secessionist movement, M. Sundblom and M. Björkman, were arrested for high treason and three companies of Finnish-speaking troops with a machine-gun section sent to the Islands. The Swedish Government protested on the ground that the arrested leaders were not engaged in any criminal activities and that the arrests, together with the despatch of Finnish-speaking troops to the Islands, were calculated to inflame the feelings of both the Islanders and Swedish public opinion. To this the Finnish Government replied that according to their information there was danger of the Islanders trying to face the Finnish Government with a *fait accompli* by simply declaring their independence, that the arrested leaders were quite clearly guilty of high treason under Finnish law, and that in any case both these matters were questions of internal policy with which the Finnish Government alone was concerned. The Swedish Minister soon after left Helsingfors and was not replaced.

Great Britain's appeal to the League.

It was at this juncture that Lord Curzon, Foreing Minister of Great Britain, exercised the friendly right conferred on members of the League, under Article 11 of the Covenant,

to "bring to the attention of the Council of the League, the case of the Aaland Islands, as a matter affecting international relations which unfortunately threatens to disturb the good understanding between nations, upon which peace depends". At the same time the British Government informed the Governments of Sweden and Finland of its intention to take this step.

The First Council Meeting. — At the next meeting of the Council, held from July 9th to 12th, 1920, in London, Finland and Sweden were represented respectively by M. Enckell, Finnish Minister at Paris, and M. Branting, Prime Minister of Sweden. Sweden took her place, although not a member of the Council, under Article 4 of the Covenant, according to which "any member of the League not represented on the Council shall be invited to send a representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that member of the League". Finland, which was not at that time a member of the League, was given a seat on the same terms by a special resolution of the Council, in which Sweden concurred, in the spirit of Article 17 of the Covenant, which provides that : "In the event of a dispute between a member of the League and a State which is not a member of the League... the State or States not members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute and upon such conditions as the Council may deem just". At this session both parties stated their case, and representatives of the Aaland Islanders were also heard, with the consent of the Finnish Government.

The Finnish Case. — The Finnish case was thats, geographically and historically, the Islands were a part of Finland, that ethnically their population was a fraction of the Swedish minority in the Finnish nation, and that legally there was no

doubt whatever of Finnish sovereignty over the Islands. Consequently there was no doubt of Finland's political right to refuse to allow a plebiscite for the purpose of secession, and this right the Finnish Government proposed to retain, since, from both a military and economic point of view, the separation of the Islands would prejudice the very conditions of existence of the Finnish Republic, while, on the other hand, the Aalanders would not suffer any kind of oppression if they continued to live in the future, as in the past, under Finnish laws. By the laws providing for the rights of the Swedish minority in Finland and by the special law granting autonomy to the Aaland Islanders, the Finnish Government considered the national aspect of the question settled. It was at any time ready to enter into negotiations for the effective neutralisation of the Islands in order to settle the military aspect of the question. Finally, the Finnish Government claimed that the differences between the Aaland Islanders and the Finnish Government constituted "an internal question relative to the protection of ethnical minorities" and that consequently the dispute with Sweden arose, in the words of Article 15, paragraph 8 of the Covenant, "out of a matter which by international law is solely within the domestic jurisdiction" of Finland (1).

The Swedish Case. — The Swedish representative, M. Branting, declared that "the position was one of considerable gravity, and if Finland persisted in her attitude and failed to withdraw her troops from the Islands a conflict was likely to arise". He read a statement to the Council declaring that Sweden was absolutely unable to accept the view that the Council was not competent to deal with this

(1) Paragraph 8 of Article 15 of the Covenant reads : "If the dispute between the parties is claimed by one of them and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report and shall make no recommendation as to its settlement".

dispute on the ground that it was entirely an internal question, and, while free from any annexationist tendencies, was "determined to put an end to the ferment which exists close to her frontiers". Sweden therefore desired the Council to take all measures to avoid a conflict and to arrive at a solution in conformity with the interests of the Aalanders and with the maintenance of peace and harmony between the two nations.

The Swedish Government asked that the Islanders should be allowed to determine by plebiscite whether they wished to remain under Finland or to become incorporated with Sweden. The right of self-determination was proclaimed by the Allies and consecrated in several of the peace Treaties. It gave freedom to Finland herself. Finland's own action and the case of the Danes in Schleswig-Holstein seemed to afford a precedent that ought to be folowed in the case of the Aaland Islands. M. Branting denied the Finnish contention that the Irredentist feelings of the Aallanders were of very recent date and not likely to be long-lived, and appealed to history to show that this feeling had existed since time immemorial; that, in fact, the Aaland Islands were part of Sweden long before Finland became an autonomous province or a group of autonomous provinces within the Swedish Empire, and that during this period the Aaland Islands were considered as belonging rather to Sweden proper than to the Grand-Duchy of Finland. From the economic and strategic point of view, Sweden had, he considered, better claims than Finland. The Swedish Government would not, however, insist upon this aspect of the question except to off-set Finland's counterclaims on this ground. What the Swedish Government did ask was that the wishes of the inhabitants, who were the parties most concerned, should be given decisive weight in the settlement arrived at.

Appointment of the Jurists' Commission

After considerable discussion, in the course of which representatives of the Aaland Islanders were given a hearing, the Council decided that it could not proceed until the question of competence raised by the Finnish representative had been settled.

As the Permanent Court of International Justice was not then in existence, the Council, with the concurrence of the Swedish and Finnish representatives, decided unanimously to appoint a Commission of three international jurists to give the Council an advisory opinion with the least possible delay on the following questions : (1) Does the Swedish case as presented to the Council on the question of the Aaland Islands arise out of a matter which by international law is solely within the jurisdiction of Finland within the meaning of paragraph 8 of Article 15 of the Covenant? (2) What is the present state of the international obligations regarding the demilitarisation of the Aaland Islands?

Professor F. Larnaude, Dean of the Faculty of Law at Paris, Professor A. Struycken, Counsellor of State to the Kingdom of the Netherlands, and Professor Max Huber, Legal Adviser of the Swiss political department, were appointed members of this Commission, Professor Larnaude acting as President. At the invitation of the Council, the Finnish and Swedish Governments supplied the Commission with statements of their views upon the questions submitted to it, and two representatives of the Aaland Islands also contributed statements. The Commission, which met at Paris on the 3rd August, heard representatives of all three parties. On the 5th September it completed its task and adopted the following conclusions :

Report of the Jurists' Commission. — As regards the national status of the dispute, the matter was one of international concern, for it did not.

> "refer to a definitive established political situation depending exclusively upon the territorial sovereignty of a State. On the contrary, the dispute arose from a *de facto* situation caused by the political transformation of the Aaland Islands, which transformation was caused by and originated in the separatist movement among the inhabitants, who quoted the principle of national self-determination, and by certain military events which accompanied and followed the separation of Finland from the Russian Empire, at a time when Finland had not yet acquired the character of a definitively constituted State".

The Commission argued : (1) that the union of the Aaland Islands to the Russian Empire in 1809 was not carried out in the same way as that of Continental Finland; (2) that at the time Finland was emerging as an independent State in 1917-1918, such events as the civil war in Finland, the occupation of the Aaland Islands by German, Bolshevik and Swedish troops, and the attitude of the Islanders themselves, as well as the support of their claims by the Swedish Government, meant that the status of the Islands was left undefined; this view the Commission further contended was not invalidated by the fact that the Finnish Government was recognised during these events, because war-time recognitions, especially by belligerent Powers, did not necessarily imply that the frontiers of the nations recognised were definitively established.

Consequently, the Commission was of opinion that the dispute was not concerned with a matter recognised by international law as being solely an internal affair of Finland, and that the League Council was competent to recommend any solution it considered appropriate. The Commission

did not pronounce against the sovereignty of Finland, but left it to the Council to satisfy itself upon this point.

The Commission, however, admitted that a question did not become of international concern because it was brought before the Council by a Member of the League, which might or might not be a party to the dispute, but it must become so or remain a matter of domestic jusrisdiction according to its intrinsic and special characteristics. The principle of self-determination, they also pointed out, was not mentioned in the Covenant, and its recognition in a certain number of international treaties could not be considered sufficient to put it on the same footing as a positive rule of the law of nations.

> "On the contrary, in the absence of express provisions in international treaties, the right of disposing of national territory is essentially an attribute of the sovereignty of every State. Positive international law does not recognise the right of national groups as such to separate themselves from the State of which they form part by the simple expression of a wish, no more than it recognises the right of other States to claim such a separation. Generally speaking, the grant or refusal of a right to a portion of its population of determining its own political fate by a plebiscite or by some other method is exclusively an attribute of the sovereignty of every State which is definitely constituted. A dispute between two States concerning such questions under normal conditions, therefore, bears upon a question which international law leaves entirely to the domestic jurisdiction of one of the States concerned."

As regards the military status of Islands, the Commission decided that :

> "The provisions of the Convention and Treaty of Peace of 30th March, 1856, concerning the demilitarisation of the Aaland Islands are still in force."

The latter conclusion was not disputed by either party; the former was contested by the Finnish Government.

Second Meeting of the Council and Appointment of the Committee of Enquiry. — The Council met from the 16th to the 20th September and on the basis of this report declared itself competent to deal with the case and decided to send a Committee of Enquiry to examine the situation on the spot and in Sweden and Finland, and to recommend a solution. The Swedish and Finnish representatives agreed to this procedure, the Finnish representative insisting once more that the Finnish Government maintained its view that Finland had full sovereignty over the Aaland Islands. They furthermore undertook to use their best endeavours to prevent any aggravation of the situation in the meantime.

The Committee of Enquiry was thereupon appointed, consisting of Baron Beyens (formerly Belgian minister at Berlin), M. Calonder (former President of the Swiss Confederation) and Mr. Elkus (former ambassador of the United States of America at Constantinople). The Belgian and Swiss members of the Committee spent the last two weeks of October at Paris studying the documents of the case and hearing verbal testimony. They left for Stockholm on the 3rd November, where they met the American member and stayed until the 25th of the month, after which they left for Helsingfors, where they pursued their investigations until the 8th December. After this they spent four days on the Aaland Islands and subsequently returned to Paris via Stockholm and Berlin.

Report of the Committee of Enquiry. — Their report, which was completed by April 1921, gave an exhaustive

account of the historic, economic and political aspects of the whole question. It stated that the matter was one of international concern, because it had "acquired such considerable international importance that it is necessary to submit it to the high authority which the League of Nations represents in the eyes of the world". The Committee faced squarely the question left open by the Jurists' Commission; the fundamental question at issue, it declared, was a legal one—namely, Finland's right of sovereignty over the Aaland Islands—and with regard to this question the Committee stated most emphatically that "the right of sovereignty of the Finnish State over the Aaland Islands is in our view indisputable, and their present legal status is that they form part of Finland".

The reasons adduced for this declaration were drawn chiefly from the history of Finland since 1809, from which period the country, although under Russian suzerainty, was considered to have been a definitely constituted autonomous State with well-marked frontiers including the Aaland archipelago. The fact that Finland became independent did not mean the creation of a new State but the completion of the autonomy of an already existing State. The recognition of Finland by various countries, including Sweden, must be held to bear the ordinary meaning of recognition in the absence of any reservations to the contrary in the text of the recognition. The fact that the Aaland Islands, together with other portions of Finnish territory, were at times occupied by foreign forces, was not held to invalidate this contention.

Arguing from this conclusion, the Committee declared its belief that the separation of territory from a Sovereign State was a drastic measure to be used only in the last resort. The Committee also insisted upon the importance of the views expressed by the Swedish-speaking population of Finland on the Continent and the rest of the Archipelago

constituting nearly 12 % of the total population. The Aaland Islanders, it was true, differed from the rest of the Swedish-speaking population of Finland in some respects, notably as regards their separatist leanings that inclined them towards Sweden. But they did not constitute a different ethnic group, and the representatives of the Swedish-speaking minority in Finland impressed upon the members of the Committee the fact that relations between the Finnish majority and Swedish minority in Finland would be rendered extremely difficult, to the great disadvantage of the minority, if the Aaland Islands were ceded to Sweden—a course which the Swedes of Finland would regard as an amputation of national territory against which they would protest just as energetically as the Finnish-speaking majority.

Moreover, there was no evidence that the Aaland Islanders ran any risk of denationalisation by remaining under Finland; there was every indication, on the contrary, that the Finnish Government was able and willing to give them the fullest guarantees and protection under this head. Only if this failed to prove the case could the contingency of secession be legitimately considered.

The Aaland Islanders, the Committee declared, would in time become reconciled to guaranteed autonomy under Finnish sovereignty, and peace and good relations between Sweden and Finland would be promoted.

The Committee consequently proposed that the Islands should remain under the sovereignty of Finland but that the fears of the Islanders should be allayed by a wider measure of autonomy.

The Council's Decision. — This report was considered by the Council at its meeting of the 17th to the 28th June, 1912, in the presence of the Swedish and Finnish representatives. Delegates of the Aaland Islands population were also heard. The Finnish and Swedish representatives having declared

their willingness to conform to the Council's decision, the Council, on June 24th, adopted a draft settlement of which the principal points were as follows :

(1) Finnish sovereignty over the Aaland Islands was recognised. At the same time, peace in general, cordial relations between Finland and Sweden, and the happiness and prosperity of the Islanders themselves could be assured only by additional guarantees to the population of the islands and by the neutralisation of the Archipelago.

(2) The new guarantees to be added to the autonomy law passed by the Finnish Diet in 1920 should be directed particularly to the preservation of the Swedish language in the schools; to the maintenance, for the inhabitants, of the right of pre-emption on any sales or transfers of landed property; to the restriction within reasonable limits of the franchise rights of immigrants, and to the appointment of a Governor enjoying the confidence of the population.

(3) An international agreement for the non-fortification and neutralisation of the Archipelago should give a guarantee to the Swedish people and to all interested parties that the Aaland Islands could never be a source of danger from a military point of view. For this purpose the Convention of 1856 should be replaced by a wider agreement under the guarantee of all the interested Powers, including Sweden, and conforming in its main lines to the draft presented by the Swedish Government.

M. Branting, in the name of the Swedish Government, thereupon read a formal protest in which he expressed the "deep disappointment" that the Swedish nation would experience on learning the Council's decision. At the same time he recorded his Government's readiness to recognise loyally that the decision of the Council possessed the binding force given to it by the terms of the Covenant, although in the Swedish view it was unjust and unfortunate in this particular case. M. Enckell, in the name of the Finnish

Government, accepted the Council's decision and expressed the belief that the grievances of the Aaland Islanders would prove temporary and superficial, and that the Islanders would soon live contentedly with their fellow-citizens in the Finnish Republic.

The settlement having been accepted in principle, there remained the task of working out the guarantees to be given to the Aaland Islanders and of concluding an international agreement for the non-fortification and neutralisation of the islands.

At the suggestion of the Council the Swedish and Finnish representatives, with the help of the Belgian representative on the Council, M. Hymans, then negotiated and themselves drew up an agreed scheme for the guarantees to be given to the Aaland Islanders on the basis of the Committee's report. These guarantees, which were adopted by the Council in its session of June 27th, 1921, and which were subsequently given the force of constitutional law by the Finnish Parliament, read as follows :

> "1. Finland, being resolved to ensure and to guarantee to the population of the Aaland Islands the preservation of their language, culture, and local Swedish traditions, undertakes to insert in the near future the following guarantees in the Law for the Autonomy of the Aaland Islands of May 7th, 1920.
>
> "2. The Landsting and the Communes of the Aaland Islands shall in no circumstances be obliged to maintain or to subsidise any schools other than those in which Swedish is the language of education. In the State educational establishments, instruction will also be given in the Swedish tongue. The Finnish language shall not be taught in the primary schools which are maintained or subsidised by the State or

by the Communes without the consent of the Commune concerned.

"3. Whenever real estate situated in the Aaland Islands is sold to a person who is not legally domiciled there, the Provincial Council or the Commune in which the real estate is situated shall be entitled to re-purchase the said real estate at a price which shall be fixed, if an agreement cannot be reached, by the Court of First Instance, having due regard to the current price.

"4. Persons immigrating into the Aaland Archipelago who possess the rights of citizenship in Finland shall not acquire the right to communal and provincial suffrage in the Islands till they have been legally domiciled there for five years.

"5. The Governor of the Aaland Islands shall be appointed by the President of the Finnish Republic in agreement with the President of the Landsting of the Aaland Islands. If it is not possible to reach an agreement, the President of the Republic shall select the Governor from a list of five candidates, nominated by the Landsting and possessing the qualities necessary to ensure the good administration of the Islands and the security of the State.

"6. The Council of the League of Nations will see that the guarantees provided above are duly observed. Finland shall transmit to the Council of the League of Nations, together with its own observations, any complaints or claims by the Aaland Landsting in regard to the application of these guarantees, and the Council may, in case the question shall be of legal nature, consult the International Court of Justice".

The Aaland Landsting has never made use of the right of appeal to the Council to which it is entitled by this article.

THE AALAND ISLANDS CONVENTION.

The remaining task—that of an international convention for the non-fortification and neutralisation of the Aaland Islands—was disposed of at an International Diplomatic Conference summoned by the Secretary-General on the instructions of the Council. The Conference was held at Geneva from October 10 to 20, 1921. The States participating wzre Denmark, Esthonia, Finland, France, Germany, Great Britain, Italy, Latvia, Poland and Sweden. A Convention was framed at this Conference which provides explicitly and in detail for the neutrality of the Aaland Islands on land, sea and in the air, in peace and war. Certain Articles of the Convention, dealing with guarantees and with respect for the neutrality of this zone in case of war, provide for the intervention of the Council of the League of Nations. Thus, in case of a war involving the Baltic, Finland could, in order to assure that the neutrality of the zone was respected, lay minefields temporarily in the zone and take the naval measures unavoidably necessary for this purpose, provided she immediately reported the matter to the Council of the League of Nations.

In order to safeguard the maintenance of the Convention or to take steps against its violation, the High Contracting Parties are to refer individually or jointly to the Council of the League, in order that the latter may decide on the measures to be taken, and they undertake to help in carrying out the measures thus decided upon. For this purpose the Council will invite Powers parties to the Convention to sit in the Council, whether those Powers are or are not Members of the League. The vote of the representative of the Power accused of having violated the provisions of the Convention will not count in the voting on the decision taken by the Council. If unanimity is nevertheless not achieved, the High Contracting Parties are severally authorised to take any steps

that the Council may decide upon by a majority of two-thirds, excluding the vote of the accused Power.

In case the neutrality of the zone should be endangered by an act of violence (*coup de main*), Finland could take the measures necessary to ward off the aggressor until the High Contracting Parties were in a position to intervene. Finland should, in such a case, immediately report the matter to the Council.

The provisions of the Convention are to remain in force whatever may be the eventual changes in the present *status quo* of the Baltic.

This Convention is the first international instrument in which the neutrality of a territory is guaranteed by States acting in their capacity as members of the League of Nations. By this innovation the Diplomatic Conference which drew up the Convention wished, in the words of the British delegate to the Council, "to recognise the part played by the League in the settlement of conflicts and to keep it permanently in touch with this question".

In its session of January 14, 1922, the Council, in view of the manifest intention of the signatory Powers to conform to the letter and spirit of the Covenant in any emergency, decided to accept the obligations laid upon it by the Convention and to call the terms of the Convention to the attention of all the members of the League, to ensure its being universally respected.

The Convention came into force on April 6, 1922, by the deposit at the Secretariat of the ratifications of Denmark, Finland, France, Germany, Great Britain and Sweden.

POLISH-LITHUANIAN DISPUTE

I. ORIGIN AND NATURE OF THE DISPUTE

In Article 87 of the Treaty of Versailles the Allied and Associated Powers reserved the right to fix at a later date the frontiers of Poland which were not defined in the Treaty. The boundaries of the Polish State with the former Russian Empire were therefore left undetermined. To mitigate the disadvantages of this provisional state of affairs, the Supreme Council of the Allied Powers on September 8th, 1919, indicated a line, later known as the "Curzon line" (1), to the west of which Poland was authorised to establish a regular administration. This decision, however, expressly reserved Poland's right to the territory she claimed to the east of the line. It should be noted that Lithuania, which had not yet been recognised by the Allied and Associated Powers, never regarded herself as bound by the decision concerning this line of demarcation, and that the Poles had occupied territory beyond this line. In the spring of 1919 the Poles drove the Bolsheviks out of the town and district of Vilna, which was under their administration until July 1920. During this period a *de facto* line of demarcation, which had not been fixed by any Convention, separated the Polish and Lithuanian forces; it joined the line of December 9th north of Grodno an ran nearly straight from the Niemen 60 kilometres below Grodno in a north-easterly direction towards Dvinsk.

In July 1920 under the pressure of the Bolshevik offensive, the Poles evacuated Vilna. On July 12th, by a Treaty

(1) Because Lord Curzon advised the Poles to withdraw to the west of this line at the time of the Bolshevik invasion of 1921.

which was signed at Moscow, the Soviet Government ceded to Lithuania the town and district of Vilna, which were occupied by the Lithuanian forces on the 14th of the same month.

The frontier fixed by the Treaty of Moscow left the towns of Vilna, Lida and Grodno in Lithuania; to the west this frontier touched the Bobr 30 kilometres from the Prussian frontier, thus encroaching on the Curzon line.

In September 1920, as a result of the Polish counter-offensive, the situation between Poland and Lithuania became acute, the Polish forces having encountered Lithuanian troops to the west of the Curzon line. The Polish Government accused the Lithuanian Government of not having remained neutral in the war between Poland and the Soviet Republic.

Such was the position of affairs to which the Polish Government drew the attention of the Council of the League of Nations in September, 1920, asking it to do all in its power to bring about the withdrawal of the Lithuanian troops, and thus avert war between two nations which had been bound by the closest ties of friendship for several centuries.

2. THE DISPUTE BEFORE THE COUNCIL

This dispute was destined to engage the Council's attention from September 1920 until the beginning of 1922. In the first instance, however, its intervention was solicited by the Polish Government only with a view to securing a provisional settlement. The important point was to avert the hostilities which were imminent between the opposing forces. The first steps taken by the Council were therefore dictated by this consideration. The Council confined itself to appealing to the conciliatory spirit of the two Governments and to setting up a military commission of control on the spot. But

the course of events soon showed the inadequacy of partial action, which dealt with only one of the symptoms of the dispute while doing nothing to cure its fundamental causes. It became clear that it was not purely due to the chances of the Bolshevik retreat that a clash between the Polish and Lithuanian armies was imminent. A profound misunderstanding existed between the two countries. The crux of the problem, which was the territorial dispute, was to engage the attention of the Council before many weeks had elapsed.

A distinction should be made between the two aspects of the Council's activities during the dispute, which corresponded to the two aspects of the problem itself :

Firstly, the Council strove to avert hostilities and to mitigate the consequences of a state of rupture;

Secondly, the Council proposed to the parties concerned the procedure which seemed best calculated to settle the territorial dispute.

Action taken by the Council to Avert Hostilities

At its Session of September 1920 the Council, after hearing the representatives of the Lithuanian and Polish Governments, became convinced that the only effective way of preventing the outbreak of hostilities was to make its influence felt on the spot. It consequently decided to send out a military commission composed of English, Italian, Japanese and Spanish officers and presided over by Colonel Chardigny, a Frenchman. This Commission immediately proceeded to the scene of the dispute and met the plenipotentiaries of the two Governments at Suwalki, where they signed an Agreement on October 7th, 1920, provisionally fixing the respective positions of their forces, without prejudice to the eventual attribution of the disputed territory. The provisional line of demarcation coincided with the Curzon line,

as far as the Grodno district, then turned to the east and continued as far as the Lida-Vilna railway.

The Zeligowski Incident

The lull produced by the intervention of the Military Commission of Control was suddenly broken by new developments. The Polish army had driven the Soviet troops from Grodno and Lida, and an armistice and the preliminaries of peace had been signed between Poland and the Soviet Republic at Riga. On October 8th, General Zeligowski crossed the line of demarcation which had been agreed upon under the auspices of the Military Commission of Control, and entered Vilna at the head of a division, establishing a provisional regime under the name of the "Government of Central Lithuania".

Although the Polish Government declined all responsibility for the events which took place at Vilna and repudiated General Zeligowski, it asserted that it was not in a position to send troops against him, as his action was unanimously approved by Polish public opinion.

Extension of the Council's Intervention

In view of the aggravation of the situation thus produced, the Council, at its Session at Brussels at the end of October 1920, unanimously decided that any action which might be taken to avert the renewal of hostilities would be inadequate if it were not supplemented by sustained efforts to settle the territorial problem. Accordingly the Council pursued simultaneously two separate but closely allied courses of action.

Continuation of the Council's Action on the Spot.

The Military Commission of Control remained on the scene of the dispute until the beginning of 1922. Its headquarters were established successively at Vilna and at Kovno, but the Commission moved about from place to place in its efforts to prevent any act of provocation. It secured the establishment of three neutral zones to separate the opposing forces, one in the Suwalki district, another in the Vilna district (in consequence of the Agreement of November 29th, 1920 between Zeligowski's forces and the Lithuanian troops) and a third in the north-eastern district as far as the Latvian frontier. In this way the Military Commission of Control was able for nearly two years to avert hostilities and reduce to a minimum all acts of provocation in the area under its supervision.

Efforts by the Council to Settle the Territorial Dispute

Having taken these steps to avert the danger of armed conflict, the Council turned its attention to settling the territorial dispute between the two States. Both claimed the town of Vilna and the surrounding district.

M. Hymans, Belgian delegate and rapporteur to the Council, later summarised the conflicting claims of the two Governments as follows:

> "It is enough for me to say that the Lithuanians quoted from the history of the Grand-Duchy of Lithuania and from the Treaty of Moscow of July 12th, 1920, in which the Soviet renounced Russian sovereignty over Vilna and its territory in favour of Lithuania; they emphasised the fact that the Lithuanians, together with the white Russians, constituted the original

population of this territory, although a portion of them do not speak Lithuanian, and that the Polish-speaking inhabitants do not exceed 20 % of the total population of the territories in dispute. Lastly, they said that the basis of the Niemen constituted an economic unit, of which Vilna was the natural centre, and that, if this unit were divided, this town and its district would fall into decay. They refused to admit the value of any manifestation in favour of union with Poland under the present regime of military occupation.

"The Polish Delegation pointed out that the word 'Lithuanian' had a double meaning, since it was sometimes used to denote a definite ethnographica-region and sometimes to denote an historical terril tory—the Grand-Duchy of Lithuania—which had never possessed the characteristics of a nation in the modern sense of the word, and which, as its history showed, had been since the 14th century closely associated with Poland and permeated with Polish culture. Vilna was the capital of this Grand-Duchy, of the ethnographical Lithuania.

"The Polish Delegation contested the statistical data upon which the Lithuanian claim was based, and estimated the Polish element at more than 60 per cent of the population of the territory in dispute. It refused to admit that the Government of the Soviets had any right to dispose of Vilna and its territory, seeing that it had itself on August 28th, 1918, cancelled all treaties referring to the partition of Poland. The Delegation quoted Article 3 of the Treaty of Riga, in which Soviet Russia declared that the settlement of all territorial disputes between Poland and Lithuania west of the frontier fixed by that Treaty exclusively concerned these two States.

The Delegation contested the necessity, from an economic point of view, of attaching the Vilna territory to Lithuania, and declared that the territory in question could only recover its prosperity with the aid of Poland. Lastly, it pointed out that the population continued to give expression to its desire to belong to Poland, and declared that its future could not be decided without reference to the population."

To reconcile such conflicting claims and to find an equitable solution for this complex problem, the Council successively tried three different methods—reference to the population, direct negotiation between the representatives of the two States, and a recommendation on the lines of Article 15 of the Covenant.

A. — Attempt to hold a Referendum

Following the precedents created by the various treaties of peace which had provided for the consultation of the populations concerned by means of a plebiscite, notably as regards the delimitation of the frontiers of Poland, the Council first recommended this solution in a resolution dated October 28th, 1920.

In order that this referendum shoult take place as quickly as possible, the Council sent to the territory in question a Civil Commission, also presided over by Colonel Chardigny, and composed of General Burt (Great Britain), M. de Brichanteau (Italy), M. Soura, the Spanish Consul-General at Brussels, and M. Naze, the Belgian Consul. This Commission immediately set to work to determine the procedure for a plebiscite and to take all the administrative and political measures necessary for its preparation. Moreover, the Council decided to send out an international police force to

keep order in the districts to be evacuated by General Zeligowski's troops; Great Britain, France, Belgium, Spain, Sweden, Denmark, Norway and Greece offered contingents, and the Netherlands Government signified its readiness to lay a bill before Parliament authorising it to add a detachment to those of the other Powers.

This scheme provided for a kind of international expedition which, as M. Hymans said, was to be not a warlike but a peaceful expedition which would testify to the sense of international solidarity of the members of the League.

While the Commissions of the League of Nations which had been sent to the scene of the dispute were endeavouring to carry out the necessary measures for the organisation of the plebiscite a Committee of the Council, composed of M. Léon Bourgeois, the French representative, M. Quiñones de León, the Spanish representative, and Viscount Ishii, the Japanese representative, was formed to keep in touch with the activities of these Commissions, to send them instructions, and to communicate with the Governments to which the organisation of the expeditionary force had given a direct interest in the solution of the dispute.

The information which reached this Committee with regard to the local conditions revealed numerous difficulties. The Military Commission of Control had been unable to secure any reduction in the strength of the opposing forces. The Lithuanian Government raised various objections and, in particular, disputed the possibility of organising a referendum in a district in which the inhabitants had been subjected to a military occupation. It would therefore have been necessary to quarter the international police force for a prolonged period in the disputed areas in order to re-establish a normal situation by degrees and, so far as possible, restore perfect freedom of choice to the population. But a rapidly organised plebiscite and an expedition of short duration was what

had been contemplated. The reports received from the Commissions on the spot revealed other difficulties. Votes would have had to be given to the White-Russian inhabitants, who were comparatively numerous and who did not appear to be competent to pronounce on the nationality question. It therefore appeared doubtful whether a plebiscite in these districts would give clear and definite results of a nature to provide satisfactory data for the demarcation of the frontier. It had been found impossible also to secure an agreement between the two countries concerned regarding the delimitation of the territory in which the plebiscite should be held. The sanitary conditions of the district to which the international police force was to be sent were such as to give rise to some misgivings to the Governments which had consented to take part in the expedition. Lastly, a difficulty of another kind arose: the Swiss Government objected to the passage through its territory of certain contingents of the international police force.

In view of these difficulties, the Council of the League of Nations, in the course of its Twelfth Session held at Paris from Februarry 21st to March 4th, decided to give up the idea of a plebiscite, after hearing the Commission's report; the opinion of the Special Committee of the Council, and the conflicting views of the two parties. It therefore resolved to withdraw the Civil Commission, but maintained the Military Commission of Control and endeavoured to provide another method of peacefully settling the dispute.

B. Direct Negotiations between the Two States

In a resolution dated March 3rd, 1921, the Council defined as follows the procedure of conciliation proposed to the Polish and Lithuanian Governments:

"Direct negotiations on equal terms to be opened between the two Governments at Brussels within one month under the presidency of M. Hymans, in order to arrive at an agreement which should settle all territorial economic and military questions in dispute between the two countries."

The negotiations opened (in May 1921) with an exchange of views, in the course of which the representatives of the two countries stated the claims of their respective Governments.

Whith this information before him, M. Hymans proposed as a basis for discussion a preliminary scheme of settlement closely co-ordinating the question of the attribution and status of the disputed territory and that of the general relations between the two States.

M. Hymans' Draft.

The folloving are the salient points of the draft proposed by M. Hymans :

1. Preamble.

The two States mutually recognise each other's sovereignty and recognise that they have common interests requiring the establishment of a special form of co-opération.

2. Status of the disputed territory.

The Vilna district to constitute an autonomous canton forming part of a Federal State of Lithuania. The Central Government at Vilna to have the same powers as the Swiss Federal Government.

The Army to be organised on a basis of local recruiting under a single command. The Polish and Lithuanian languages to be the official languages throughout the State. Ample guarantees to be accorded to minorities.

3. Organisation of liaison between the two States.

(a) *Foreign affairs.* — A joint Council for Foreign Affairs consisting of officials of the two Governments to decide by a majority of votes what are the questions which jointly concern the two countries, with a view to taking common action. Delegations from the two Diets selected in accordance with a system of proportional representation to consider jointly all measures of foreign policy which require legislative sanction. The text approved by them to be submitted to the two Diets for ratification.

(b) *Military organisation.* — A defensive military convention between the two States to be drawn up permitting co-operation as regards mobilisation of transport, use of bases, etc. A single command to be established in the event of joint military operations (the main body of Lithuanian troops to be left, however, under Lithuanian command). In case of disagreement regarding the defensive character of the operations, the decision to lie with an arbitrator previously appointed by the Council of the League of Nations or by the President of the Permanent Court of International Justice.

(c) *Economic and transit questions.* — An economic convention of a more comprehensive nature than the most-favoured-nation clause to cover the reciprocal admission of the two countries' products. A common organisation to see that the Agreement is carried out. Free access to the Lithuanian ports to be granted to Polish traffic. The Allied Powers to be requested, when handing over Memel to Lithuania, to reserve a private right of access to Poland.

4. *Arbitration.* — In case of disagreement as to the interpretation of the Convention, the two countries to accept the decision of an arbitrator appointed by the League of

Nations or by the Permanent Court of International Justice.

Suspension of the Negotiations.

The two delegations which had met at Brussels were asked by M. Hymans to state whether they considered this draft to be acceptable as a basis for discussion.

On May 27th, the Lithuanian delegation replied in the affirmative but pointed out that this acquiescence did not constitute an undertaking to accept either any particular article or the whole draft, and that it was subject to a similar acceptance by the Polish delegation of the text of the draft as a basis for discussion.

On May 28th, the Polish delegation returned a conditional reply. It declared that the principles of the draft could be regarded as a basis for discussion only if they were accepted by the population of Vilna and its district, and that consequently the negotiations could be proceeded with only if the population concerned took part therein on an equal footing.

M. Hymans pointed out that this entirely new demand was in contradiction with the agreement that the dispute should be settled by direct negotiation between the two States. He therefore felt obliged to suspend the negotiations and refer the matter back to the Council.

Attempts to resume Negotiations.

At its session in June 1921, the Council considered the result of the Brussels negotiations, and, after expressing the opinion that the draft proposed by M. Hymans was calculated to lead to an agreement, adopted a resolution inviting

the two Governments to resume negotiations on July 15th upon the basis of M. Hymans' draft scheme.

In consideration of the observations submitted by Poland, the Council added that, with a view to affording a guarantee to the various ethnical groups of the populations concerned that their feelings and claims would not be ignored, one or two representatives of each group might, at the suggestion of either party, be heard in the course of the negotiations for the purpose of giving information to the Conference; moreover, the Agreement signed by the Governments would be submitted to the Diets of the two countries and subsequently to that of Vilna, the establishment of a Diet for the latter being provided for in the draft scheme.

In order to provide a provisional organisation for the disputed territory, the Council recommended that all the men in the forces of occupation who were not natives of the disputed territory should be withdrawn from the territory; from July 15th onwards, a local police force not exceeding 5,000 men would be organised to assure the maintenance of order. Officials who were not natives of the country should also be gradually withdrawn.

Before September 1st, the Lithuanian troops should reoccupy their normal peace stations and their strength should be reduced. The Military Commission of Control would remain on the spot, see to the execution of these measures and endeavour to open the Vilna-Grodno railway to traffic.

This recommendation of the Council was not accepted without reservations by the Polish Government, which declared that the Polish soldiers serving in General Zeligowski's army would be recalled to Poland, but that the Polish Government could not undertake to do more than transmit to that General the Council's wishes regarding the reduction of the forces remaining under his command.

The Lithuanian Government on the other hand declared that it was not in a position to give effect to the Council's recommendations. It demanded the return to the *status quo* before General Zeligowski's act of violence. These refusals rendered impossible the resumption of direct negotiations recommended by the Council. Nevertheless M. Hymans was anxious to call a further meeting of the representatives of the two countries before the next session of the Council, with a view to seeking once more a common ground for agreement. His invitation was accepted and on August 26th, 1921, negotiations were resumed at Geneva, first in the form of private discussions and later in an official form.

Resumption of Negotiations.

M. Hymans gave the two parties to understand that the considered it impossible to pursue the negotiations in the form in which they had hitherto been conducted, as the discussions threatened to go on indefinitely without any result. A definite solution must be found, and if the agreement of the two parties could not be obtained to any proposal of conciliation, it would be left to the Council, in conformity with Article 15, paragraph 4, of the Covenant, to make a final recommendation as a conclusion to the proceedings which it had instituted.

The Belgian representative accordingly invited the representatives of the two Governments to pronounce with the least possible delay on a slightly modified draft of his original proposal.

M. Hymans' Second Draft.

This second draft differed from the first only in the following respects :

(*a*) Status of Lithuania :

The organisation of the Lithuanian State would not

necessarily be federal. The Canton of Vilna, however, would retain the same guarantees of autonomy as in the first draft.

(*b*) Organisation of liaison in foreign affairs :

The task of settling questions of common interest to the two countries would belong not to a Council composed of officials but to the delegations of the two Diets also specified in the first draft.

(*c*) Additions :

A new provision stipulated that :

If Poland or Lithuania should in future desire to propose amendments in the present agreement they undertake to submit such amendment to the Council of the League of Nations.

(*d*) Protocol annex :

A protocol laid down that after the agreement had been approved by the two Governments a meeting of the representatives of the population of the disputed territory should be called at Vilna to provide them with an opportunity of giving their opinion on the scheme. This opinion would be directly communicated to the Council of the League of Nations by the Diet of Vilna to allow the Council to make any changes it might think fit, taking into account the wishes of the population.

Breakdown of Negotiations.

When called upon to pronounce on this new proposal, the two delegations sent written replies which made it impossible to proceed with the negotiations.

The Lithuanian representatives, while not rejecting the draft, demanded the introduction of amendments which

would have seriously altered its character. The Polish Delegation declared that, having accepted the Council's recommendation of June 28th approving M. Hymans' first draft as a basis for discussion, it saw no reason to modify ist original attitude, nor could it approve of a new procedure proposed to secure the acceptance as a whole of a new draft agreement.

C. Final Recommendation by the Council

At its meeting of September 19th, 1921, the Council heard a report by M. Hymans on his final efforts to induce the representatives of the two Governments to accept a solution. It also heard the statements of the Polish and Lithuanian Delegates, who explained their attitude regarding M. Hymans' second draft. At a meeting held on the next day, September 20th, each of the members of the Council in turn spoke in favour of the procedure proposed by M. Hymans and urged the representatives of the two countries to accept the means which were offered them of reaching an equitable solution of the dispute.

The Council then unanimously adopted the following recommendation :

"The Council of the League of Nations,

"In view of the report submitted to the Council by M. Hymans on June 27th last with regard to the Brussels negotiations;

"And in view of the fact that the Council, by its Resolution of June 28th, unanimously approved the draft scheme drawn up by M. Hymans in agreement with the two delegations, and was of opinion that this draft should lead to a definite agreement between Poland and Lithuania;

"Having considered M. Hymans' report upon the action taken in pursuance of the Council's Resolution of June 28th, and on the present position of the dispute;

"Having heard the arguments advanced by the two delegations;

"Considering that —

"(1) In the course of the direct negotiations presided over by M. Hymans, the latter obtained the assent of both parties to the preparation of a draft scheme as a basis for agreement;

"(2) Considered that M. Hymans' first draft, the Council's Resolution of June 28th, and M. Hymans' second draft, as communicated to the two delegations on September 3rd, differ only in detail and are based on the same principles, *i. e.* the constitution of the Vilna territory as an autonomous canton on a basis similar to that of the Swiss Constitution, within the Lithuanian State, and a political, military and financial understanding between Poland and Lithuania;

"(3) Considering that the principles of the autonomy of the region of Vilna within the Lithuanian State and of the political, economic and military understanding between the two countries have received the general approval of both parties (see the Lithuanian Delegation's letters of May 27th and September 12th, the telegram from the Polish Minister of Foreign Affairs of July 15th and the letter from the Polish Delegate of September 13th) and considering that the difficulties which still remain relate to the application of these principles;

"And being of opinion that, as complete agreement has not been obtained, the Council is bound, in conformity with Article 15, paragraph 4, of the Covenant, to publish the recommendations which are deemed just and proper in regard thereto :

"The Council unanimously adopts M. Hymans' second draft scheme.

"Since the Assembly is actually in session the Council further decides to request M. Hymans to explain to the Assembly the present position of the dispute, in order that the Assembly may, by ist authority, contribute to a settlement of the question."

III. THE DISPUTE BEFORE THE SECOND ASSEMBLY

In conformity with the Council's resolution, M. Hymans gave the Assembly an account on September 24th, 1921, of the Council's efforts to find a solution for the Polish-Lithuanian dispute. He reviewed one by one the attempts which had been made in the course of the past twelve months. He explained the reasons for which the proposed programme had been abandoned and direct negotiations broken down, and justified the considerations on which the preliminary draft had been based and the subsequent changes made in the draft to render it easier of acceptance. Lastly, he showed how the Council, having exhausted all other means of conciliation, had been led to make a final recommendation in conformity with Article 15, paragraph 4, of the Covenant.

In conclusion, he asked the Assembly to give the Council the full support of its authority with a view to inducing the two Governments to come to an understanding and to accept a conciliatory and peaceful solution.

Appealing to the statesmanship and good-will of the Governments concerned, he added :

"In the name of these peoples, as the representatives of the world assembled here in an attempt to attain at last the peace which flies from us, in the attempt to realise in

practice the peace which we have proclaimed upon paper, but which has not yet been finally established, we solemnly ask them to achieve this great act of peace, of consent and of conciliation."

In the debate which ensued, the Lithuanian delegate justified his Government's attitude by recalling the obstacle placed in the way of a friendly settlement of the dispute by the act of violence accomplished by General Zeligowski, who, notwithstanding the efforts of the Council, had not yet evacuated the disputed territory.

At the following day's meeting the Polish representative stated the reasons for which his Government had found itself unable to accept the Council's recommendations and concluded by proposing as a final method of solution to call upon the populations concerned to pronounce on their own fate.

Subsequently, M. Freire D'Andrade, the Portuguese representative, Lord Robert Cecil, the South Africain representative and M. Zahle, the Danish representative, made speeches calling upon the two Governments to show a conciliatory spirit. Lastly, M. Bourgeois, the French representative, associated himself with this appeal, voincing the Assembly's feelings in the following words :

"The spirit which has animated our debate is the spirit which puts the common interest—the major interest of peace—above the limited and special interests of each country; the spirit which induces each one of us to consent to sacrifices, in one matter or another submitted to us, in order to reconcile our real and legitimate interests with the major interests. . . this is what both countries must determine if they wish to be in harmony with the spirit of the Assembly."

The following resolution submitted in the course of the

debate by Lord Robert Cecil and M. Zahle was then unanimously adopted :

"The Assembly, having heard the explanation of M. Hymans on the dispute between Poland and Lithuania, and having taken note of the resolution of the Council of September 20th, expresses its warm appreciation of the skill and patience displayed by M. Hymans in the cause of peace and thanks the Council for its action and assures it of the full support of the Assembly.

"Appealing to their wisdom and to their common memories of the past, the Assembly calls upon the two peoples to reach an agreement, which is as necessary for them as for the peace of the world."

Conclusion of the Council's Action on the Spot.

The negative attitude adopted by the two Governments towards the Council's final recommendation was confirmed by the declarations made by the Polish and Lithuanian representatives before the Council at its meeting of January 12th, 1922, the Lithuanian Government stating its inability to accept M. Hyman's second draft without considerable amendments, and the Polish Government judging it impossible to waive its previous objections.

Withdrawal of the Military Commission of Control.

The Council's action had, therefore, to come to an end, and by a Resolution dated January 13th, it decided to withdraw the Military Commission of Control within one month.

The withdrawal of the Commission raised the question of the suppression of the neutral zones which had been

established under the supervision of the Commission to separate the opposing forces. The Council thereupon expressed the opinion that the best solution would be to substitute for the neutral zones, which threatened to become the scenes of disorder, a provisional line of demarcation which would in no way prejudice the rights of the two States.

Before bringing its efforts to a close, the Council gave its attention to certain subordinate questions which had hitherto been partially solved in consequence of the presence of the Military Commission of Control. It had, for example, to consider the question of diplomatic and consular relations between the two States. It enjoined them to endeavour to re-establish these relations without delay, or at any rate to entrust their respective interests to representatives of friendly powers who would undertake to see that the measures of pacification recommended by the Council were observed.

The Council also gave its attention to the protection of minorities in the disputed territory and asked the two parties to allow the League of Nations to send representatives, if necessary, to study the situation and report to the Council.

Suppression of the Neutral Zones.

It was not long before the withdrawal of the Military Commission of Control resulted in additional hardships for the inhabitants of the neutral zones, as these areas were neither administered nor policed. Acts of violence became frequent, so much so that the Council deemed it necessary to consider the suppression of a system the dangers of which outweighed the advantages.

Accordingly, by a Resolution dated May 12th, 1922, it sent M. Soura, who had been a member of the Civil

Commission for the Plebiscite, to study the establishment of a provisional line of demarcation. The Lithuanian Government opposed this project, but it was accepted by the Polish Government. After several months of delay, during which the disadvantages of maintaining the neutral zones became more and more evident, the Council, in a Resolution dated February 3rd 1923, gave each of the two Governments the option of establishing a regular administration in the neutral zones on either side of a line of demarcation adopted on the recommendation of the Council's delegate.

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Thus concluded the Council's action in the disputed areas, which the Council's efforts, over a period of two years, had prevented from becoming the scene of serious conflict (1).

UPPER SILESIA

The Treaty of Versailles laid down in Article 88 that a plebiscite should be held by communes in a portion of

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(1) A few weeks later, another authority, the Conference of Ambassadors, substituted a final settlement for the provisional regime established by the Council of the League of Nations.

In exercise of the right they had reserved, in virtue of Article 87 of the Treaty of Versailles, of fixing the frontiers of Poland other than those laid down in the Treaty tself, the Principal Allied and Associated Powers represented on the Conference of Ambassadors took a decision on March 15th 1923, fixing all the Polish frontiers which had not yet been settled, including the Polish-Lithuanian frontier. The political frontier thus fixed coincides with the provisional line of demarcation proposed by the Council of the League of Nations.

It may be noted that the Lithuanian Government registered its protest against this decision of the Ambassadors' Conference.

German Upper Silesia defined by the Treaty in order to determine whether the inhabitants wished to remain German or to become Polish. A frontier was subsequently to be traced by the Principal Allied Powers in accordance with the wish of the population as shown by the plebiscite and taking account of geographical and economie circumstances.

The plebiscite, which was prepared by an International Commission, was held on March 20th, 1921. A Polish insurrection broke out in Upper Silesia just as the International Commission was about to communicate to the Supreme Council its report on the results of the plebiscite.

The Supreme Council met on June 20th, but neither the members of the Plebiscite Commission, a Committee of Experts, nor the representatives of the Governments on the Supreme Council were able to agree as to how the new frontier should be traced. The difference of views was sharpest when it came to delimiting and describing the industrial and mining area of Upper Silesia. According to the British view there was in this district an "indivisible triangle", comprising the industrial area properly speaking (but not the mines to the south), inhabited by a population the majority of which had voted for Germany; the French view insisted that the mining basin and industrial area formed a whole and that it was impossible to treat the industrial triangle as though it were an isolated district.

In spite of an attempt at a compromise between these views made by Count Sforza, Minister of Foreign Affairs of Italy, it was impossible to reach agreement. There was a risk that the question might lead to a rupture between the Allies and hostilities between Poland and Germany.

I

Supreme Council refers the Question to the League

On August 12th, 1921, M. A. Briand, as President of the Supreme Council, wrote to Viscount Ishii, President of the Council of the League of Nations, to inform him that the Supreme Council had decided to submit to the Council of the League of Nations "the difficulties attending the fixing of the frontier between Germany and Poland in Upper Silesia, and to invite the Council to indicate to them the solution which it recommends as to the delimitation of the frontier which the Principal Allied and Associated Powers should adopt". The Supreme Council's request to the Council of the League of Nations was made in virtue of Article 11, paragraph 2, of the Covenant of the League of Nations, which declares that it is "the friendly right of each member of the League to bring to the attention of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding upon which peace depends".

M. Briand added that "in view of situation in Upper Silesia, the Council of the League was requested to treat the matter as one of the utmost urgency", and he drew the particular attention of the Council to the importance which the Allied Powers attached to a prompt consideration of the question.

The Council of the League convened.

On August 12th, Viscount Ishii informed M. Briand that he had summoned the Council of the League of Nations to meet in extraordinary session at Geneva on August 29th, and expressed the firm conviction that "in view of the text

and the spirit of the Covenant" his colleagues on the Council would declare themselves ready to assume the task entrusted to them by the Supreme Council. Viscount Ishii also specified the conditions on which the Council of the League of Nations would undertake to consider the question. He observed that the Supreme Council had announced its intention to do all in its power to prevent any trouble arising in Upper Silesia which might embarrass the deliberations of the Council. As the question had been referred to the Council "without reserve or restriction", the Council would consequently have "complete liberty to deal with it as it might consider advisable". The Governments represented on the Supreme Council would refrain from any action which might infringe this liberty or prejudice an impartial consideration of the question by the Council of the League. In conclusion, Viscount Ishii expressed the hope that the Council of the League of Nations would submit in the near future a recommendation unanimously adopted by all its members.

Viscount Ishii himself undertook to submit a report to the Council on this question.

The Council of the League accepts the task.

On August 29th the Council of the League met in extraordinary session. It was composed as follows : Viscount Ishii (Japan), President; M. Hymans (Belgium), M. Da Cunha (Brasil), Mr. Wellington Koo (China), M. Léon Bourgeois (France), Mr. Balfour (Great Britain), the Marquis Imperiali (Italy) and M. Quiñones de Léon (Spain).

In his report, Viscount Ishii reminded the Council that each of the Governments represented on the Supreme Council had solemnly undertaken to accept the solution recommended by the Council of the League of Nations.

"I think", he continued, "that in these circumstances it is not only the right but also the duty of the Council of accept the role which, in the spirit of the Covenant, it has been asked to assume and in the fulfilment of which its liberty of action and authority will be fully guaranteed." He then surveyed the political and economic difficulties involved in the question. "What the authors of the Treaty of Versailles desired", he observed, "was the determination of the frontier no particular line being either prescribed or excluded in advance. The Treaty does, however, lay down the guiding principles which should govern the decision. It states that, 'in drawing the frontier line, regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality'. The results of the plebiscite were not of a nature to allow the frontier-line to be drawn according to the wishes of the population, nor did the economic and geographical conditions of the localities give any decisive indications to show how a line should be determined. Indeed, the fact that the two considerations had to be taken into account only complicated the situation".

The members of the Council decided unanimously to accept the Supreme Council's invitation.

The Council adopts a Plan of Action.

At a second meeting, held on September 1st, the Council, having taken note of the documents communicated to Viscount Ishii by the Supreme Council, notably a historical survey of the work of the Peace Conference in regard to Upper Silesia, adopted a plan of action for the study of the question.

It was decided, "with a view to enabling the Council to arrive in complete independence at an opinion on the question which had been submitted to it", that the preliminary examination of the question should be entrusted to the

representatives of Belgium, Brazil, China and Spain. States which had so far taken no part in the preliminary investigations or in the discusions to which those investigations had given rise. This Committee of the Council was instructed to study the various aspects of the problem with the help of the documents forwarded by the Supreme Council and of any other means of information. It had the right to seek such information as it might think useful and to obtain such expert advice as might be necessary. The Council further recommended the Committee to choose its experts from among such persons as had taken no part in the previous investigations and discussions, and as far as possible from among such persons as had already collaborated in the work of the techinical organisations of the League. It was also provided that, with a view to supplying local information, inhabitants (both German and Polish) of the territory of Upper Silesia might be heard. The services of the Secretariat were placed at the disposal of the Committee. The Council reserved the right to meet at any moment to examine the results of the investigations which were taking place.

In the course of the same meeting on September 1st the representatives of France and Great Britain made declarations concerning the spirit in which the Council undertook the study of the question.

"The Council", said Mr. Balfour, "has determined not merely to make an independant examination of the question but to do so under conditions which will remove any suspicion that it is being dealt with from the viewpoint of any one country rather than another. The Council will approach the question in that spirit of complete detachment from narrow and individual views which I hope it will always display and, will make a deliberate and determined effort to deal with the problems before it impartially and in the broadest spirit."

M. Bourgeois then said : "The Council's desire is to examine in a spirit of entire independence and impartiality the difficult problem submitted for ist consideration. Public opinion will not be deceived; it will realise that our method is an entirely impartial method, like that which the most disinterested judges and courts endeavour to follow in their own proceedings."

II

The Recommendation of the Council of the League

The Committee of Four immediately entered upon its duties. In accordance with the Council resolution of August 29th, it considered "the various aspects of the problem" and obtained such expert advice as was necessary.

Meanwhile, the other members of the Council continued to follow the affair and to examine the results of the investigations. After six weeks work the Committee of Four was able to submit a draft recommendation to the Council.

Preparation of the Solution.

In considering the problem, the Committee of Four was obliged, under the provisions of the Treaty, to take into consideration both the wishes of the inhabitants, as shown by the plebiscite, and the geographical and economic conditions of the country.

The first difficulty was that those of the inhabitants who had voted in favour of Germany and those who had voted in favour of Poland were inextricably intermixed, both geographically and in their economic interest—in varying pro-

portions it is true, but everywhere with large minorities—throughout the richest and most populous part of the territory.

It was not possible to devise a frontier which would not leave in Polish territory a certain number of persons who had voted for Germany, and in German territory a certain number who had voted for Poland. The utmost that the Council could do was to endeavour to reduce the number of these case to a minimum by adjusting the frontier line as closely as possible to the results of the plebiscite.

Any frontier line drawn in accordance with the foregoing conditions was bound to cut across districts which were closely interdependent from an industrial standpoint. The creation of a new frontier in such a region which had developed economically under a single political and industrial regime, might have the most disastrous results on either side of the frontier; it would certainly have had such results if it had led to the immediate establishment of a new Customs barrier, the dislocation of common services such as the supply of water or motive power, the introduction of a new currency and the application of new civil and industrial legislation.

This economic difficulty could not be evaded by a few slight modifications in a line drawn according to the results of the plebiscite. Even had several districts in which the vote showed a clear but not overwhelming predominance of one nationality been assigned in accordance with economic considerations and not with the plebiscite, the line would nevertheless have cut across the most closely interdependent economic organisations. The Council was confronted by the fact that any line which did not cut across the industrial district would involve the disappointement of the hopes and aspirations not merely of small majorities in unimportant neighbourhoods but of large majorities in districts of great

importance. Moreover, the plebiscite had not merely given voice to these hopes and aspirations; it had encouraged them. This was the intrinsic difficulty of the problem.

The Committee of Four was brought to the conclusion that it was not possible to solve the problem merely by drawing a frontier line having regard solely to the plebiscite, to economic considerations, or to a compromise between the two methods.

Whatever frontier might be drawn by any of these methods, the results, in the absence of any other special provision, would have been calamitous.

The Committee of Four therefore decided, after an exhaustive investigation, to recommend that, whatever new frontier line were adopted, there should be guarantees against any dislocation of existing economic conditions for a period sufficient to permit of the economic system being adjusted gradually to the new state of affairs.

The Committee, therefore, applied to experts for an opinion as to what general measures would be calculated to maintain continuity in the economic life of Upper Silesia and to reduce the difficulties of the period of transition to a minimum. The experts were asked to examine the needs of the territory in their economic, industrial, financial and administrative aspects. They were to consider the distribution of water and electric power, the exchange of fuel, raw materials and labour, the financial organisation of industry, vested interests in concessions, the Customs regime and social legislation. They were instructed to avoid, as far as possible, making any proposal which would involve administrative complications. They were not required to consider the fixing of the frontier line, with which they were not acquainted until after the conclusion of their work. The problem was put before them in general terms, so that their

replies might hold good whatever territorial solution might ultimately be adopted.

The experts appointed to study these problems were M. Hodacz, General Secretaty of the Federation of Czecho-slovak Manufacturers, Member of the Governing Body of the Labour Office, and M. Herold, Director of the Toggenburg Railways, Professor at the University Zurich, Member of the League Committee on Communications and Transit. Both were experts of admitted authority who had specialised on the subjects concerned; they were members of technical organisations of the League of Nations, and were entirely disenterested. Ample documentary information was placed at their disposal. They also questioned German and Polish technicians and representatives of German and Polish trade unions.

The political work—that of deciding upon a frontier line, which the Committee of Four had itself undertaken—and the work connected with the economic life of the territory and of the means of ensuring its continuity, which had been entrusted to the experts, were pursued on parallel lines. As it was not possible to avoid leaving fairly considerable dissident minorities on both sides of the frontier, the Committee tried as far as possible to make these minorities equivalent, while leaving to each of States concerned a total population corresponding to the number of votes cast in its favour.

The Council's Recommendation.

On Wednesday, October 12th, the Council, meeting in plenary session examined and adopted unanimously the report of the Committee of Four. On the same day, the text of the Council's recommendation, with the attached documents, was forwarded to the Supreme Council by special courier.

The text and documents forwarded comprised :

(1) The recommendation itself, with the description of the frontier line between Germany and Poland in Upper Silesia;

(2) Transitional measures of an economic nature;

(3) Clauses relating to rights of nationality and domicile and protection of minorities in Upper Silesia.

The recommendation contained the following statement of the general principles by which the Council had been guided in its efforts to reach a solution :

> "The Council has endeavoured to interpret faithfully and in an equitable spirit the provisions of the Treaty of Versailles with regard to Upper Silesia. The Council, being convinced that its duty was above all to endeavour to find a solution in conformity with the wishes of the inhabitants as expressed by the plebiscite, while taking into account the geographical and economic situation of the various districts, has been led to the conclusion that it is necessary to divide the industrial region of Upper Silesia. Owing to the geographical distribution of the population and the mixture of racial elements, any division in this district must inevitably result in leaving relatively large minorities on both sides of the line and in separating important interest.
>
> "In these circumstances, the Council considered that it would be desirable to take measures to guarantee, during a provisional period of re-adjustment, the continuity of the economic life of this region, which, owing to the density of its population the number of its industrial undertakings, and the closely woven network of its means of communication, possessed the

character of a vast agglomeration. It was also of the opinion that it would be desirable to provide for the protection of minorities."

The frontier line between Germany and Poland in Upper Silesia was described in the following way :

"The frontier line would follow the Oder from the point where that river enters Upper Silesia as far as Niebotschau; it would then run toward the north-east, leaving in Polish territory the communes of Hohenkirchen, Wilhelmsthal, Raschutz, Adamowitz, Bogunitz, Lissek, Summin, Zwonowitz, Chwallenczitz, Ochojetz Wilcza (Upper and Lower), Kriewald, Knurow, Gieraltowitz, Preiswitz Makoschau, Kunzendorf, Paulsdorf, Ruda, Orzegow, Schlesiengrube, Hoehnlinde; and leaving in German territory the communes of Ostrog, Markowitz, Babitz, Curek, Stodoll, Niederdorf, Pilchowitz, Nieborowitzer, Hammer, Nieborowitz, Schönwald, Elluth, Zabrze, Sosnica, Mathesdorf, Zaborze, Biskupitz, Bobrek, Schombert; thence it would pass between Rossberg(which falls to Germany) and Birkenhain (which falls to Poland) and would take a north-westerly direction, leaving in German territory the communes of Karf, Miechowitz, Stollarzowitz, Friedrichsville, Ptakowitz, Larischhof, Miedar, Hanusek, Neudorf-Tworog, Kottenlust, Potemba, Keltsch, Zawadski, Pluder-Petershof, Klein-Lagiewnik, Skrzidlowitz, Gwosdzian, Dzielma, Cziasnau, Sorowki, and leaving in Polish territory the communes of Scharley, Radzionkau, Trockenberg, Mikoleska, Drathhammer, Bruschiek, Wüstenhammer, Kokotte, Koschmieder, Pawonkau, Spiegelhof (Gutsbezirk), Gross-Lagiewnik, Glinitz, Kochscütz, Lissau.

"To the north of the latter place it would coincide with the former frontier of the German Empire as far as the point where the latter frontier joins the frontier already fixed between Germany and Poland."

Transitional Measures.

The measures which the Council considered necessary in order to ensure the continuity of the economic and social existence of Upper Silesia, and to reduce to a minimum the inconvenience of the period of readjustment, were chiefly designed "to preserve, for a certain time, for the industries of the territory separated from Germany, their former markets, and to ensure the supplies of raw material and manufactured products which are indispensable to these industries; to avoid the economic disturbances which would be caused by the immediate substitution of the Polish mark for the German mark as the sole legal currency in the territory assigned to Poland; to prevent the working of the railways serving Upper Silesia from being affected by the shifting of the political frontier; to regulate the supplies of water and electricity; to maintain freedom of movement for individuals across the new frontier; to guarantee respect for private property; to guarantee, as far as possible, to the workers, that they shall not lose, in the portion of territory assigned to Poland, the advantages which were secured to them by German social legislation and by their Trades Union organisation, and, finally, to ensure the protection of minorities on the basis of an equitable reciprocity". The provisional régime was to remain in force for fifteen years.

The Council proposed that the measures for the establishment of this régime should be worked out in detail in the form of an international convention between Germany and Poland.

For the preparation of these temporary measures and for the supervision of their application the Council considered that it was necessary to set up a Commission composed of an equal number of Germans and Poles from Upper Silesia and of a President of another nationality, who might be designated by the Council of the League of

Nations. This commission might be called "the Upper Silesian Mixed Commission". It would be essentially an organ of supervision. The Council considered that it would also be expedient to constitute an arbitral tribunal to settle any private disputes which might be occasioned by the application of the temporary measures.

The Council's recommendation concluded in the following terms : ,,The Council is convinced that this scheme, taken as whole, and after certain point have been made explicit, will safeguard the interests of the population, the sacrifices which it requires from each of the Governments being compensated for by the guarantees which it affords in favour of such of their nationals as are to be transferred to another sovereignty".

III

The Polish-german Convention

On October 20th, the Conference of Ambassadors, delegated by the Powers represented on the Supreme Council to receive on their behalf the recommendation of the Council of the League of Nations, decided to adopt it, together with the findings of the attached reports relating to economic question and to the treatment of minorities.

The Conference of Ambassadors also requested the Council of the League of Nations to select the person who should preside over the Germano-Polish negotiations for the purpose of drawing up the Convention proposed by the Council's recommendation, and to appoint the President of the Mixed Commission and the President of the Court of Arbitration.

The Drafting of the Convention.

The Council of the League selected M. Calonder, ex-President of the Swiss Confederation, to preside over the Germano-Polish negotiations, which opened at Geneva on November 23rd. Germany was represented by M. Schiffer, former Imperial Minister, Dr Lewald, former Secretary of State, and Count von Schulenberg, of the Ministry of Foreign Affairs. Poland was represented by M. Olszowki, Minister Plenipotentiary, M. Perlowski, Counsellor of Legation, and M. Kramsztyk, Secretary to the Ministry of Foreign Affairs.

The Conference at once proceeded to appoint twelve Sub-Committees to draw up the different parts of the Convention. Ten of these Sub-Committees met in Upper Silesia. On February 14th, the Conference again met at Geneva to examine the results achieved by the Sub-committees and to adopt the final text of the Convention. The work of the Conference was particularly arduous owing to the comprehensive nature of the questions with which it had to deal and by the difficulties not only technical but also racial and political presented by most of those questions. But the conciliatory spirit displayed during the discussions enabled agreement to be reached on almost every point without undue delay. Three principal questions retarded the conclusion of the Convention. One was the liquidation of German property and interests in the Upper Silesian area assigned to Poland; the second was the application to Polish Upper Silesia of the provisions of Article 256 of the Treaty of Versailles (transfer to Poland of goods and property belonging to the Prussian State or to the German State), and there were also certain questions connected with the protection of minorities. On no single occasion, however, was the President called upon to exercice his power to arbitrate. On May 15th, the drafting of the Convention was concluded, and the German and Polish Plenipotentiaries signed the text;

on the following day, at a public meeting, the Council of the League of Nations received the text of the Convention from M. Calonder.

This Convention, divided into six parts, contains 606 articles, with extensive annexes and a final protocol.

The first part is entitled "General Provisions", and is divided into three sections, the first dealing with the law in force in the two parts of the plebiscite territory, the second with the safeguarding of vested interest, and the third with the conditions for the expropriation of important industrial undertakings and large landed estates.

The second part deals with questions of nationality and domicile, and lays down the method of procedure in regard to the right of option granted to inhabitants of the plebiscite territory who desire to change their nationality.

The third part is devoted to questions connected with the protection of minorities and with the procedure of appeal by minorities against the decisions of the States under whose sovereignty they are situated. Article 72 lays down that "these provisions constitute obligations of international concern placed under the guarantee of the League of Nations".

The fourth part relates to social and labour questions, such as those of employers' unions, trade union and social insurance.

The fifth part deals with economic questions, and is divided into eight sections, relating respectively to Customs, traffic, currency, mines, water and electricity, posts and telegraphs, and railways.

The sixth and last part is concerned with the organisation of the Mixed Commission and the Court of Arbitration for which provision was made in the Ambassadors decision.

The Mixed Commission is an organ of conciliation, while the Court of Arbitration is a judicial body. Both are established for a period of fifteen years. For labour questions the Mixed Commission is assisted by experts and by an Advisory Labour Committee, whose Chairman is appointed by the Governing Body of the Labour Office. The Competence of the Court of Arbitration is extremely wide, not only in civil but also in administrative cases. Neither of these two liaison organisations encroaches upon the sovereignty of the two States. The Mixed Commission consists of two members from each of the two countries with a president of another nationality, while the Court of Arbitration is composed of one arbitrator from each of the two countries and a president of another nationality. Both the presidents are appointed by the Council of the League of Nations.

Provision is made in the Convention for intervention by the Council of the League of Nations in certains questions, particularly those connected with the protection of minorities. The competence of the Permanent Court of International Justice is admitted in two cases : it may decide whether new legislative provisions may be substitued for existing legislation in Polish Upper Silesia and it may settle any differences of opinion which may be occasioned by the application of the expropriation clauses.

The Council appointed M. Calonder, President of the Mixed Commission, and M. Kaeckenbeeck, a Belgian jurist, President of the Court of Arbitration. In both cases the Council's choice was in accordance with the unanimous wish of the two delegations.

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In this way a settlement was reached in a matter on which both the experts and the Allied Governments were

divided, and which unless quickly solved, threatened serious consequences.

As soon as the Council began its investigation of the question, the extreme tension which had existed before it was referred to the League of Nations subsided, and the Council's recommendation was drawn up in an atmosphere of complete calm.

The difficulty was to avoid dislocating the economic life of the plebiscite territory of Upper Silesia by dividing it in accordance with the results of the plebiscite. Thanks, however, to the measures recommended by the Council of the League, which were elaborated by an agreement between the two parties, this result was achieved. Although satisfaction has been given, as far as the intermixture of races permitted, to the desires expressed in the popular vote, the economic activity of the district has not been restricted, and the period of transition hitherto has passed smoothly and without any interruption of the economic life of the district.

ALBANIA AND THE LEAGUE

One of the results of the Balkan war of 1912-1913 was that at a Conference of the Ambassadors of the Great Powers held on London in July 1913, Albania was constituted "an autonomous sovereign Principality", and her neutrality was guaranteed by the Powers represented at the Conference. The Prince of Wied was appointed sovereign Prince of the Principality.

The Great War broke out before the Principality was fully established, the Prince of Wield left the country, and Albania was over-run by several of the belligerent armies. At the end of the war the Albanians formed a provisional government and constituted themselves an independent

state, but this state was not then recognised, nor were the frontiers laid down in the Protocols of London and of Florence in 1913 ever delimited. This was the position of Albania at the time the League was founled.

Admission to the League. — In November 1920, at the First Assembly of the League, Albania applied for membership. The Assembly Committee set up to report on such applications expressed the opinion that the admission of Albania should be adjourned until her political and territorial status had been more clearly established, but the Assembly nevertheless unanimously admitted Albania, considering the step to be in the interests of peace in general and of the peaceful progress of Albania in particular. As in the case of other States admitted to the League, Albania was requested by the Assembly to concert measures with the Council for the protection of minorities on the lines of the minorities treaties already in force in certain other States Members of the League. A declaration for the protection of minorities was subsequently negotiated between the Council and the Albanian Government, and signed by Albania on October 2, 1921.

The Frontiers of Albania. — In April 1921, the Albanian Government drew the attention of the League to the fact that Albania's frontiers which, it contented, had been fixed in 1913, were being encroached upon by Serbia and Greece and requested the League to obtain the evacuation by the two countries of the territories thus occupied.

The Conference of Ambassadors was at the time dealing with the question of Albania frontiers, which it considered not to have been definitely fixed in 1913. The Council of the League therefore decided that it would not be advisable to take up simultaneously work already being dealt with by the Ambassadors' Conference, but asked the Conference to

take a decision with the least possible delay. Meanwihle, the Council requested the three States concerned to abstain from any act calculated to aggravate the situation.

Albania before the Second Assembly. — The question of Albania's frontiers remained unsettled when the Second Assembly of the League met in September 1921. The Albanian Government again raised the subject which, with the consent of the Council, was referred to the Assembly. The Assembly, recognising that the sovereignty and independence of Albania had been established by her admission to the League, took note of the fact that the Principal Allied Powers were generally regarded as the appropriate body to settle the frontiers of Albania—and in fact were on the point of doing so—and recommended Albania to accept their decision. In view of the conflicting allegations of the three States involved, the Assembly requested the Council to appoint an impartial commission of three persons to proceed immediately to Albania to report fully on the exec uion of the decision of the Principal Allied Powers when de ivered, and on any disturbances that might occur on or netar the frontiers. The Council appointed this Commission of three—one from Luxemburg (Colonel Schaeffer), one from Nlorway (Major Meinich), and one from Finland (M. Thesley, replaced later by Professor Sederholm)—who were accompanied by a secretary of Swiss nationality.

Special Meeting of the Council. — The Commission arrived in Albania on November 19th, 1921, but before its arrival, the British Government, on November 7th, having learnt that Yugoslav troops had entered the Mirdite district of Northern Albania as a result of unrest in this area, and considering this event to be of a nature to disturb international peace, called the attention of the Council to the matter under Article 11 of the Covenant. It requested the Secreary-General to summon a special meeting of the Council o consider the situation and agree upon measures to be

taken under Article 16 of the Covenant should the need arise. In the telegram to the Secretary-General the British Prime Minister, M. Lloyd George, stated that the Conference of Ambassadors had now fixed the frontiers of Albania and that their decision would at once be notified to the interested parties.

The Council met on November 18th and heard the representatives of Great Britain, the Serb-Croat-Slovene Kingdom and Albania. It was informed that on November 9th the Conference of Ambassadors had definitely fixed the frontiers of Albania and it received a declaration from the Serb-Croat-Slovene Government that it proposed to respect this frontier and would take immediate steps to evacuate its troops from all territory thereby recognised as belonging to the Albanian State. The Council, therefore, gave instructions to its Commission of Enquiry to keep it informed of the withdrawal of both Yugoslav and Albanian troops from a provisional zone of demarcation and to assist in carrying out the evacuation. It instructed the Commission to examine and submit to the Council measures to end the existing disturbances and prevent their recurrence.

On December 10th the Commission reported that the evacuation had taken place and that the zone of demarcation separating Albania from the Serb-Croat-Slovene Kingdom was entirely free from troops of the two States. The Commission remained in Albania for some three months longer investigating various questions and making certain recommendations connected with frontier problems which were subsequently carried out by the Technical Frontier Committee appointed by the Conference of Ambassadors.

The Council Meeting in May 1922. — The Commission returned to Geneva for the meeting of the Council in May 1922. It had accomplished the principal object of its mission, for the country was pacified, its relations with

neighbouring States were improving, and, as a result of this twofold success, there was a strong desire on the part of the Albanians to begin developing the natural resources of their country. Lord Balfour, the representative of Great Britain on the Council, attributed the favourable development of the situation to the good-will of the Albanian and the Serb-Croat-Slovene Governments, and to the efforts of the Commission, and of the Council.

> "No corporate body, no nation, no statesman in the world", said Lord Balfour, "could have carried out what has been effected, except the League of Nations. If the Serb-Croat-Slovene Government and the Albanian Government have respected the decisions of the Assembly and the Council and of the Commission which the League sent out, the reason is this: that the Albanians and the Yugoslavs knew that the League itself, the Assembly and the Council, are working for no selfish purpose, and that they have given advice with the sole object of benefiting those to whom it is given."

Meanwhile the Council had received from the Albanian Government a request that the Commission, whose work had proved so valuable to Albania, should continue for a further period. The Government also requested the League to extend its support to the economic sphere by appointing experts to proceed to Albania for the purpose of drawing up proposals regarding steps to be taken to encourage the employment of foreign capital in the development of the natural resources of the country. On the advice of the Commission, the Council asked one member of the Commission to return to Albania, and that duty was accepted by Professor Sederholm, of Finland. The Council communicated the request for economic assistance to the favourable consideration of the Financial Committee and forwarded to the same Committee the request of the Albanian Government

that a financial adviser should be nominated by the Council in accordance with a general resolution of the Council in 1921 placing itself at the disposal of Members of the League for the nomination of technical advisers should they so desire.

The Financial Committee sent Professor Calmes (Luxemburg) to Albania to make a report on the situation, and on receipt of his report it considered itself justified in recommending the appointment of a Financial Adviser whose selection was left in the hands of the Chairman of the Committee, M. Vallenberg (Sweden).

Subsequent Work of the Commission of Enquiry. — Professor Sederholm returned to Albania accompanied by Count Frederic Moltke (Denmark) and remained there for about a year studying the situation in collaboration with the Albanian Government. The Commission also visited neighbouring countries to discuss with them matters of common interest. At the Council meeting in April 1923, Professor Sederholm presented his report and final conclusions. They contained a detailed study of the school and church questions in Albania generally and in Southern Albania in particular, and recommended various measures for giving full effect to the declaration of the Albanian Government concerning the protection of minorities. Professor Sederholm also recommended certain steps towards rectifying such discontent with the existing situation as he found amongst various elements of the population. He pointed out that the Government were fully aware of the deficiencies that existed and firmly resolved to put an end to them. The report examined the economic situation and gave an outline of the developments which seemed necessary. Finally the report outlined the Albanian Government's programme as explained to Parliament by the Prime Minister. Professor Sederholm noted with satisfaction the intention of the Government to make whole-hearted use of the technical advisers which it had

asked the League to provide. "If", he said, "their expert and disinterested advice were followed, Albania should have no difficulty in developing into a peaceful and prosperous Member of the League of Nations".

The same Council meeting which considered these reports also approved, with the assent of the Albanian Government, the nomination of M. Hunger of Holland, late Resident of Batavia in the Dutch East Indies, as Financial Adviser to the Government. M. Hunger was to be consulted on all matters of economic or financial interest and to report to the League of Nations every three months. In his first report, M. Hunger noted numerous possibilities of development in the country: virgin forests, fertile waste-land, richness of the soil, etc. He also informed the Council of plans for setting up a bank of issue with the aid of foreign capital (1).

The Albanian Government has also been assisted by the League in the field of public health. Its public health officers have taken part in the study of methods for combating malaria arranged by the League Health Organisation, and the League Health Committee has been asked to assist it in drawing up plans for the eradiction of malaria, which is endemic in Albania and of great importance from the point of view of economic development.

The League has thus been instrumental in giving Albania a recognised status, in hastening the settlement of her frontiers and in securing the evacuation of foreign troops, and has endeavoured to assist in the internal development of the country whose stability, in view of its geographical position, is essential for the maintenance of peace on the Adriatic and in the Balkans.

(1) M. Hunger's contract was terminated at the end of the first year, in virtue of the right to do so mutually reserved by the Financial Adviser and the Albanian Government.

INCURSIONS OF BANDS INTO THE FRONTIER DISTRICTS OF THE COUNTRIES BORDERING ON BULGARIA

In July 1922, the Council of the League considered a dispute between Bulgaria and her neighbours, Greece, Roumania and the Kingdom of the Serbs, Croats and Slovenes, at the request of the Bulgarian Government, made under Article 11 of the Covenant. The dispute was concerned with the incursions of armed bands into the frontier districts of the countries bordering on Bulgaria.

In its appeal to the Council, the Bulgarian Government gave an account of the steps which it had taken to put an end to the disturbance caused by the presence of these bands and expressed its regret that these measures had not proved very effective. On June 14th the Bulgarian Government had an official communication from the Roumanian representative in Sofia, speaking in the name of Bulgaria's three neighbours. According to this communication the States concerned declared that they had held Bulgaria responsible for the situation and considered that unless the matter were speedily settled serious consequences might ensue. As the situation thus created could not continue without risk of the tension becoming more acute, Bulgaria requested the Council to intervene either by sending an International Commission of Enquiry or by any other means which it might deem fit to adopt.

The Dispute before the Council

The Council, after hearing the representatives of the States concerned, took note of the fact that the representations made on June 14th to the Government of Bulgaria by the Governments of the States adjoining her territory

were not of a minatory or hostile character, and that the Bulgarian Government was engaged in negotiations with the neighbouring Governments concerning the steps to be taken for putting an end to the incursions.

In the circumstances, the Council was of opinion that any possibility of acts of violence in contravention of the Covenant of the League of Nations was for the time excluded, but requested the Governments to keep it informed of the results of the negotiations and received the formal assurance of the representatives of the Governments concerned that should these negotiations fail and result in a situation likely to endanger the peace of the Balkans, they would again refer the question to the Council.

No further reference has been made to the Council on this subject.

EASTERN CARELIA

This question, which the League of Nations was not able to solve, was the subject of repeated efforts to bring about a peaceful settlement in the spirit of the Covenant. As was stated in the communication of the Permanent Court of International Justice to the Council on July 23rd, 1923, the Council of the League had "shown its desire to explore every path that might lead to a settlement of the difference between the two nations."

The territory known as Eastern Carelia includes the Government of Olonetz and that part of the Government of Archangel which lies to the west of the White Sea. The area of Eastern Carelia is nearly 150,000 square kilometres, and it has a population of about 200,000 inhabitants. The Carelians form one of the principal branches of the Finnish race.

In November 1921 the Finnish Government drew the Council's attention to the situation created in Eastern Carelia by the non-application of the provisions of the Treaty of Peace signed at Dorpat on October 14th, 1920, between the Republic of Finland and the Russian Socialist Federal Soviet Republic.

The question came before the Council for the first time in January 1922 and again in February and April 1923; it was then referred for an advisory opinion to the Permanent Court of International Justice, which dealt with the matter during its session in June 1923. Finally, the Finnish Government brought the question before the Fourth Assembly of the League of Nations in September of the same year.

The Council recommends Direct Negotiations

During its session in January 1922 the Council heard a statement by M. Enckell, Finnish Minister in Paris, setting forth the point of view of his Government. M. Enckell's contention was, in substance, that the Treaty of Dorpat between Finland and the Soviet Government guaranteed territorial autonomy to the population of Eastern Carelia within the Union of the Socialist Soviet Republics. It also accorded economic and moral autonomy to this territory. But in place of the promised autonomy the Soviet Government had established a regime dependent on the dictatorship of a Workers' Commune, which was in fact manipulated by the central power, and which overwhelmed the Carelians with requisitions and forced levies, thus ruining and terrorising the country. The Carelians had revolted; a portion of them had fled to Finland. The Finnish Government regarded this situation as a menace to world peace and it therefore called upon the League of Nations to intervene.

M. Pusta, representing Esthonia, and M. Groswald and M. Walters, representing Latvia, who were present at the meeting, stated that they were most anxious that peace should be maintained in the Baltic, for it was a paramount necessity for all the States bordering upon Russia. Without desiring to intervene in the Carelian question they approved the action which Finland had taken, because they regarded it as an effort in the interests of peace.

The Polish delegate, M. Askenazy, stated that his Government had already placed its good offices at the disposal of the two parties.

In these circumstances, the Council declared its villingness to examine the question, with a view to arriving at a satisfactory solution, provided that the two parties concerned agreed; and expressed the opinion that one of the States Members of the League which was interested in the question and in diplomatic relations with the Government of Moscow might ascertain that Government's views in regard to the matter.

The Council added that it would be a matter for satisfaction if one of these States were to lend its good offices as between the two parties, in order to assist in obtaining a solution.

The Council requests the Permanent Court of International Justice to give an Advisory Opinion

The steps taken in pursuance of the Council's Resolution by the Governments maintaining regular diplomatic relations with the Soviet Government produced no result, for the Soviet Government declared that the question of Eastern Carelia must be regarded as one of purely domestic concern.

The Finnish Government then expressed a desire that the Council of the League, in accordance with Article 14 of

the Covenant, should ask for the opinion of the Permanent Court of International Justice as to whether the treatment of the inhabitants of Eastern Carelia was, as the Soviet Government maintained, a purely internal question or whether it was an international question.

At its meeting on April 21st, the Council decided to request the Permanent Court of International Justice to give an advisory opinion upon the following point:

> "Do Articles 10 and 11 of the Treaty of Peace between Finland and Russia signed at Dorpat on October 14th, 1920, and the annexed Declaration of the Russian Delegation, concerning the autonomy of Eastern Carelia constitute obligations of an international character which are binding upon Russia in her relations with Finland?"

The Court's Conclusion

The Court informed the Russian Soviet Government that the Council had asked for an advisory opinion. The Soviet Government refused to appear before the Court; but the Finnish Governments appeared and stated its case.

The majority of the Court (seven out of eleven judges) reluctantly concluded that the Court was incompetent to express an opinion. In its reply to the Council, dated July 23rd, it stated its view that no reply could be given to the question unless an enquiry were held on certain points of fact, and that it would be extremely difficult to conduct such an enquiry if Russia held aloof. Moreover, in view of the independence of sovereign States, it could not express an opinion on a dispute that had arisen between a Member of the League and a non-Member, without the consent of the latter.

Resolution of the Fourth Assembly

The Fourth Assembly of the League, taking note of a declaration by the Finnish Government that it maintained its right to consider the clauses of the Treaty of Dorpat and the supplementary declarations relating to the status of Eastern Carelia as agreements of an international order, requested the Council to continue to collect all useful information relating to this question with a view to seeking any satisfactory solution made possible by subsequent events.

THE FRANCO-BRITISH DISPUTE ON THE QUESTION OF NATIONALITY DECREES IN TUNIS

A dispute arose between Great Britain and France in November 1921 as to nationality decrees promulgated in Tunis and the French zone of Morocco and their application to certain categories of British subjects.

These decrees conferred French nationality upon any person born in Tunis or in the French zone of the Sherifian Empire, one of whose parents was justiciable as a foreigner by the French tribunals of the Protectorate and was born in the Protectorate.

These decrees conflicted with British nationality legislation, which claims as natural-born British subjects the children born abroad of British parents who were themselves born within his Britannic Majesty's allegiance, and also the grand-children of such parents born before January 1st, 1915.

The British Government therefore protested when the French Government, applying the decrees, treated as French

subjects and liable to military service in the French Army persons in Tunis of Maltesse origin and claimed by the British Government to be British subjects.

This matter was the subject of a long diplomatic correspondence that ended in a deadlock. The British proposal to submit the question to arbitration was not accepted, the French Government claiming that it was not a fit subject for arbitration but a matter of domestic jurisdiction.

The British Government thereupon (in September 1922) brought the question before the Council of the League. The British and French representatives on the Council, M. Léon Bourgeois and Mr. (since Lord) Balfour, agreed to ask the Council to request an advisory opinion from the Permanent Court of International Justice as to whether the matter at issue was or was not exclusively a question of domestic jurisdiction according to international law.

The French Government claimed that in issuing the decrees on November 8th, 1921, it had merely exercised its legislative powers in regard to nationality questions, and consenquently the dispute that had arisen out of this question came within the exceptions provided by paragraph 8 of Article 15 of the League Covenant (1), that is, was within the exclusive competence of the French Government and did not possess an international character.

The British Government, on the other hand, without denying that the determination of nationality was one of the attributes of sovereignty, declared that the rights possessed by France in Tunis and Morocco were based on treaties which did not confer upon her this attribute of sovereignty,

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(1) This paragraph reads as follows :
"If the dispute between the parties is claimed by one of them and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report and shall make no recommendation as to its settlement."

and that the exercise by France of the right to legislate on questions of nationality was also contingent on treaty provisions. Consequently, the British Government held that the question could not be considered as being within the exclusive competence of France, but that, on the contrary, it raised legal questions of international scope.

On February 7th, 1923, the Court announced that, without touching upon the substance of the dispute, it was of opinion that the dispute was not a matter of purely domestic jurisdiction. The representative of the French Government before the Court then proposed to the British representative that the whole question should be referred to the Court for settlement, but after an exchange of notes between the two Ministers of Foreign Affairs a friendly agreement (1) was reached on the 24th May, 1923, of which the International Court took note in its ordinary session of June.

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(1) This agreement was subsequently registered with the Secretariat of the League of Nations and published in the Treaty Series in the form of Notes exchanged between the British and French Governments. The French Government engaged to take all necessary measures whereby a British subject born in Tunis of a British subject who was himself born there would have the right to decline French nationality, such right, however, not to extend to succeeding generations. The child born in Tunis of a British subject born elsewhere than in Tunis was not claimed by the French Government as a French National, and French nationality would not be imposed on any British subject born in Tunis before November 8, 1921, without the option being given him to decline it. No attempt would be made to impose Tunisian nationality instead of French nationality on British subjects in Tunis. In agreeing to discontinue proceedings at the Hague, neither the French nor the British Government abandoned the respective points of view maintained in their diplomatic correspondence and in the preliminary proceedings at the Hague, nor, it was declared, would the principle adopted in the present agreement be applicable elsewhere than in Tunis. The application to British subjects of corresponding nationality decrees promulgated in Morocco (French zone) did not, it was stated, give rise at present to any proceedings at the Hague, the question not being at the moment of practical importance. On this question, however, both Governments reserved their rights.

EXPROPRIATION BY THE ROUMANIAN GOVERNMENT OF THE IMMOVABLE PROPERTY OF HUNGARIAN OPTANTS

In March 1922, the Hungarian Government submitted to the Council of the League of Nations a request "with regard to the expropriation by Roumania of immovable property of Hungarian optants", that is to say of persons previously domiciled in the territories transferred to the Kingdom of Roumania under the terms of the Treaty of Trianon, but who opted for Hungarian nationality.

The Opposing Theses.

The request submitted to the Council by the Hungarian Government was based on the second paragraph of Article 11 of the Covenant, under which any Member of the League has the friendly right of bringing to the attention of the Council any circumstances affecting international relations which threatens to disturb the good understanding between nations upon which peace depends.

The question was first examined by the Council at its April session and was brought up again at its July session, an attempt at direct negotiation between the parties having been made in the meantime at Brussels, under the presidency of M. Adatci, the Japanese Representative on the Council.

The Council held a public meeting (April 1923) at which the representatives of Hungary and Roumania explained the points of view of their respective Governments.

The Hungarian representative stated that the Roumanian Law on agrarian reform in Transylvania did not take count of the clause of Article 63 of the Treaty of Trianon, which lays down that persons who have opted for Hungarian natio-

nality shall be entitled to retain their immovable property on Roumanian territory. The Hungarian Government did not contest the general right of the Roumanian Government to proceed with agrarian reforms, but contended that certain features of the reform Law were incompatible with Roumania's international obligations.

The Roumanian representative, on the other hand, stated that the scheme for agrarian reform in Roumania had been prepared before the war, and that in spite of the heavy sacrifices the reform might impose on the parties concerned, its sole object had always been to effect social reform on a basis of complete equality for all the elements of the Roumanian population. Those provisions of the agrarian reform law which were applicable, in particular, to Transylvania, were framed with due regard to the actual situation and were not directed against persons of Hungarian nationality owning land in Transylvania more than against any other inhabitants of that territory. The Roumanian agrarian law in no way contravened the provisions of the Treaties, particularly Article 63 of the Treaty of Trianon, which implied that the optant should retain possession within the limits of the property laws of the sovereign State.

After hearing these statements, the Japanese representative on the Council, M. Adatci, suggested that the two parties should refer the matter for decision to the Permanent Court of International Justice, or else that the Council should request the Court to give an advisory opinion. The Roumanian representative stated that the interests of his country did not allow him to accept these suggestions, which had been agreed to by Hungary.

The Council then decided to defer consideration of the matter until its next session and requested M. Adatci to enter into negotiations with Hungary and Roumania in an attempt to secure a direct agreement between the two parties.

The Brussels Negotiations (May 1923).

These negotiations were held in Brussels and lasted three days. To the declarations made in his presence by the two parties, M. Adatci added a general recommendation urging conciliation. M. Adatci was, in fact, of opinion that the Council should not seek "an abstract legal solution, but any practical solution which would give as full a measure of satisfaction as can be obtained with a view to a peaceful settlement".

The text of M. Adatci's recommendation, together with a verbatim report of the statements made by the representatives of the two parties, received the formal approval of thoses representatives.

However, before the end of the conversations of Brussels the Hungarian Government signified its opinion that the negotiations hat failed, and that, although the text prepared had been signed by its representative, it could not adhere to M. Adatci's recommendation.

Final Resolution of the Council (July 1923).

At its July session the Council, after approving the text prepared by M. Adatci, unanimously expressed the hope that the Governments "would do their utmost to prevent the question of Hungarian optants from becoming a disturbing influence in the relations between the two neighbouring countries". It requested the Hungarian Government "after the efforts made by both parties to avoid any misunderstanding on the question of optants" to "do its best to reassure its nationals". It requested the Roumanian Government, "faithful to the Treaty and to the principle of justice upon which it declares that its agrarian legislation is founded", to give proof of its good-will in regard to the interests of Hungarian optants.

The Roumanian Delegate, M. Titulesco, accepted the Council's resolution. The Hungarian Delegate, Count Apponyi, who abstained, said his Government was not insensible to the appeal for conciliation addressed to it by the Council, but that he could not reply without making reservations. "It was indispensable", he said, "that the Hungarian people should be persuaded that their Government had not abandoned the rights of its nationals". Count Apponyi declared that this Government reserved the right to take any future steps which the treaties and the Covenant of the League might allow in order to obtain satisfaction.

FRONTIER QUESTIONS

The Council of the League of Nations has been called upon, either in virtue of certain Treaty provisions, more particularly in the Treaty of Trianon, or as a mediating body, to deal with a number of frontier questions, chiefly between Hungary and her neighbours, Austria, Czechoslovakia and the Kingdom of the Serbs, Croats and Slovenes.

Thus its good offices were requested in the question of the frontiers between Hungary and her neighbours : Austria, the Serb-Croat-Slovene Kingdom and Czechoslovakia.

In September 1923, the Conference of Ambassadors referred to the Council the question of the frontier between Poland and Czechoslovakia in the Jaworzina district.

I

The Frontiers of Hungary

Under the Treaty of Trianon (June 4th, 1920), Delimitation Commissions were set up to trace the new frontiers of

Hungary. The covering letter to the Treaty of Trianon states that "should the Delimitation Commission, when they have begun their work, consider that the provisions of the Treaty involve an injustice at any point which it would be to the general interest to remove, they may submit a report on this matter to the Council of the League of Nations. In that case, the Allied and Associated Powers agree that the Council of the League of Nations, if requested to do so by one of the parties concerned, may under the same conditions offer its services to obtain by peaceful means the rectification of the original tracing in places where an alteration of the frontier is considered desirable by one of the Delimitation Commissions".

It was in virtue of this covering letter that the question of the frontiers between Hungary and the Serb-Croat-Slovene Kingdom and between Hungary and Czechoslovakia was brought before the Council of the League of Nations. The case of the Austro-Hungarian frontier, which was also dealt with by the Council, is somewhat different; here the Council's intervention was based not on the Treaty of Trianon but on the Protocol of Venice concluded between the Austrian and Hungarian Governments, thanks to the good offices of Italy.

The Austro-Hungarian Frontier

It was provided by Article 27 of the Treaty of Trianon that the Bürgenland, a district to the south of the Danube formerly part of the territory of the Kingdom of Hungary, should be transferred to Austria, as the majority of its population was German.

When the time came to transfer this territory to the Austrian Government the Hungarian Government and the Hungarian local authorities protested on the grounds that

the Bürgenland had been Hungarian territory throughout its history and that its population wished to remain attached to Hungary. The eastern districts and particularly the town of Oedenburg (Sopron), were the theatre of the movement in favour of Hungarian rule.

The Bürgenland question was brought before a Conference held at Venice under the auspices of the Italian Government, through whose efforts the two parties agreed upon a Protocol. Austria declared that as far as possible she would agree to the decisions of the Delimitation Commission, but should she find herself obliged to appeal against them, she would accept decisions recommended by the Council of the League of Nations.

The Venice agreement provided for a plebiscite, which was held in the town and district of Oedenburg on September 13th, 1921. The majority declared in favour of Hungary, and the Conference of Ambassadors therefore decided that the town and district should be restored to that country. The Delimitation Commission then made a detailed study of the frontier line aid proposed that three other districts should also remain Hungarian :

1. The territory surrounding the village of Pamhagen, which is the centre of a considerable system of canals and irrigation channels affecting a certain number of places in the neighbourhood;

2. A group of villages east and south of Liebing, regarded as inseparable from the town of Güns, which remains Hungarian;

3. A narrow strip of territory 20 to 25 kilometres long to the east of the Hungarian town of Szombathely (Steïnamanger), inhabited by a mixed Hungarian, German and Croat population, but having as its economic centre the town of Szombathely.

The Austrian Government in objecting to the modifications proposed in favour of Hungary, declared that it would keep its undertaking to accept any recommendations made by the Council of the League, provided that such recommendations were adopted unanimously, as laid down in Article 5 of the Covenant. Hungary had already addressed an application to that effect to the Secretary-General of the League.

The question came before the Council of the League in July 1922. In public session on July 19th the Council heard the statements of the Austrian and Hungarian representatives, although Hungary was not at that time a Member of the League.

The Austrian Representative asked the Council to uphold the frontier line laid down in the Peace Treaty, which had given the Bürgenland to Austria as compensation for her economic losses in other directions; the loss of Oedenburg town and district had already greatly reduced the value of this compensation.

The Hungarian Representative stated that the Commission's proposals had been accepted by all its members with the exception of the Austrian delegate, and pointed out that the Commission's proposals affected only a small portion of the Bürgenland.

On the Council's suggestion the representatives of Austria and Hungary thereupon held a Conference at Geneva in August, with M. Hymans, the representative of Belgium on the Council, as Chairman.

At its meeting on September 19th the Council announced its decision based on the results of this conference and modifying the proposals of the Frontier Delimitation Commission on certain points. Pamhagen, Hammer, Leka, the communes situated on the valley road south of Pornoapati, the commune of Csem and the villages of Felso-Also-Beled and Szentpeterfa were left in the hands of Austria. In regard

to Pamhagen the Council decided that the Frontier Delimitation Commission should be instructed to draw up a Protocol which would, *ipso facto* be binding on both States, in order to avoid prejudicing the hydro-technical interests of the districts. The duty of supervising the execution of the Protocol would fall upon the Permanent Technical Hydraulic System Commission.

The Council's decision, on the other hand, restored to Hungary the village of Liebing, the communal woods belonging to the town of Köszeg, the village of Rattersdort, and the portion of the Pinka Valley situated to the north of Pornoapati, together with Pornoapati itself.

The Council recommended the Austrian and Hungarian Governments, with the assistance of the Frontier Delimitation Commission, to take permanent or temporary measures to avoid the difficulties which the new frontier line might possibly cause in the economic relations or the means of communication between districts bordering on the frontier.

The Council's decision was accepted by both parties and duly carried out.

The Frontier between Hungary and the Serb-Croat-Slovene Kingdom.

The Commission for the Delimitation of the Frontiers between Hungary and the Serb-Croat-Slovene Kingdom proposed to cede to Hungary, for geographic and economic reasons, a strip of territory in the Mur district with about 18,000 inhabitants, the majority of whom were considered to be Hungarian. In virtue of the covering letter to the Treaty of Trianon, Hungary requested the Council to use its good offices to obtain a final settlement as to the tracing of the frontier, on the basis of the proposals made by the Commission for the Delimitation of the Frontiers between these two countries.

This question came before the Council on July 19th. The Hungarian Representative laid stress on the fact that the Delimitation Commission's decision had been unanimous (the four allied Representatives and the Hungarian Delegate) except for the Representative of the Serb-Croat-Slovene State.

The Representative of the Serb-Croat-Slovene State pointed out in his statement that the Delimitation Commission had reached this decision at the beginning of its work, although according to its instructions it should have made no recommendation until it had completed its investigation of the entire frontier line between the two States. The frontier was 360 kilometres long, and the decision had been taken after only 60 kilometres of the line had been examined. The Commission had subsequently extended its work to the remaining three hundred kilometres.—The Serb-Croat-Slovene Government had then made proposals to the Commission with a view to the modification of the line by mutual concessions, but the Hungarian Representative had refused to accept these proposals, considering them insufficient.

As neither side would accept compulsory arbitration of the issue, the Council tried to reach a settlement by friendly mediation. But in spite of the efforts of M. Hymans, at a conference with representatives of the two parties, it was impossible to secure a compromise between them.

In these circumstances, the Council decided to inform the Conference of Amabassadors that it had been unable to persuade the parties to contemplate a friendly settlement.

The Conference of Ambassadors subsequently informed the Council that in view of this situation the delimitation of the frontier would be carried out in conformity with the Treaty of Trianon, and consequently without any of the modifications suggested by the Delimitation Commission.

The Frontier between Hungary and Czechoslovakia

During January 1923 the Conference of Ambassadors forwarded to the Council of the League of Nations the reports drawn up by the Commission for the Delimitation of the frontiers between Hungary and Czechoslovakia. These reports concerned the small district known as Salgo-Tarjan, but really situated to the north of this important mining centre, which had remained Hungarian.

The reports made it clear that the Delimitation Commission was equally divided. One party advocated the maintenance of the frontier fixed by the Treaty of Trianon, while the other thought that an appeal should be made to the good offices of the League of Nations in order to obtain a friendly rectification in the Salgo-Tarjan district. The latter solution was adopted by the President's casting vote.

At its meeting held on January 31st the Council heard the representatives of the parties concerned. The Hungarian Representative said that if the frontier line passed through the points specified in the Treaty, an injustice would result both to Hungary and to the communes which would be cut off from Hungary by the frontier, and that it was to the general interest that any such injustice should be removed, as provided in the covering letter of May 6th, 1920. He insisted particularly on Hungary's need, in view of the fact that she had been deprived of a great part of her mineral resources, of the coal beds and basalt and trachyte quarries situated in the contested area.

The Czechoslovak representative, on the other hand, urged that the Treaty definitely provided for the assignment of the mines in the district to Hungary and of the station of Somosujfalu to Czechoslovakia, and that Czechoslovakia had faithfully observed the Treaty by expressing

its readiness to allow Hungary to retain not only the mines which were actually being worked but also the unworked mining area north of those mines. He considered that Hungary, on her side, should give way to the formal provisions of the Treaty and accept the allocation to Czechoslovakia of the station of Somosujfalu, which was mentioned by name in the Treaty.

The representatives of both countries expressed their willingness to accept the good offices of the Council in the form of compulsory arbitration.

In accordance with precedent, the Council asked one of its members, M. Da Gama, the Brazilian Representative, to keep in touch with the experts of both parties, and to submit a report at the next session.

The Hungarian and Czechoslovak experts, with two members of the Frontier Delimitation Commission, and M. Da Gama as President, met at Geneva and subsequently at Paris. The Council also consulted the appropriate Committee on questions of a military nature, which might arise out of the topography of the district and the existence of the railway line running through it from north to south.

Finally, at its meeting on April 23rd the Council announced its award, which gave due weight to the purely local interests of the inhabitants as well as to the national interests of the two parties.

The frontier line delimited by the Council left in Hungarian territory both the mining concessions and two villages inhabited by Magyars, and assigned to Czechoslovakia certain hills which were allocated to that country by the Peace Treaty, apparently in order to ensure the defence of its territory. The Czechoslovak Government was to have the right to use the railway station of Somosujfalu as a frontier and customs station, and the Hungarian Government was to give it all facilities for that purpose.

The Czechoslovak Government, on its side, undertook to take all measures to facilitate the working of the basalt quarry situated to the north of the village of Somoskö and the transit of the products of that quarry on their way to Somosujfalu station.

In accordance with their undertaking, both parties accepted the Council's decision.

Frontier between Poland and Czechoslovakia.

In a letter dated August 18th, 1923, the President of the Conference of Ambassadors requested the Council of the League of Nations to be good enough to recommend a solution with regard to the delimitation of the frontier line between Poland and Czechoslovakia in the Jaworzina district.

This frontier delimitation question, known as the "Jaworzina question", arose in the following circumstances: the Principal Allied and Associated Powers decided to constitute certain plebiscite zones, in the frontier district between Poland and Czechoslovakia. The preparations for the plebiscite, however, caused a state of excitement that was considered dangerous, and the Polish and Czechoslovak delegates therefore agreed to ask the Supreme Council to take a final decision as to the tracing of the frontier.

The Conference of Ambassadors laid down a line on July 28th, 1920, that was accepted by both parties as a whole, and of wich the different sections were then traced successively by the Boundary Commission with the consent of the interested parties. As, however, a difference of view became apparent over the small district of Jaworzina, the Polish and Czechoslovak Governments asked the Powers to give them an opportunity to arrive at a friendly agreement on the subject. In spite, however, of several extensions of the period allowed for reaching agreement, no agreement was reached.

On December 2nd, 1921, the Conference of Ambassadors gave notice to the two Governments concerned that if they could not come to an agreement before January 15th, 1922, at the latest, the Boundary Commission would be instructed to proceed immediately to trace the line of July 28th, 1920. On September 26th, 1922, the Boundary Commission presented proposals which appreciably modified the line laid down in the decision of the Conference of Ambassadors of July 28th, 1920, since it attributed the village of Jaworzina to Poland and two communes further north to Czechoslovakia. The Czechoslovak Government contested the validity of any decision based on these proposals, urging that the Conference of Ambassadors must be held, in absence of any agreement between the interested parties, to be bound by its decision of July 28th, 1920, and its declaration of December 2nd, 1921. The jurists composing the Drafting Committee of the Conference of Ambassadors held the contrary view, being of opinion that the decision of July 28th, 1920, had left undetermined part of the frontier line in the Jaworzina district.

Consequently, the Conference of Ambassadors, in asking for the opinion of the Council of the League of Nations, expressly stated that it would consider opportune a decision by the Council to consult the Permanent Court of International Justice on the legal point involved.

The question of Jaworzina aroused public opinion in both Poland and Czechoslovakia and assumed a political importance disproportionate to the extent and material value of the contested territory.

The Council considered the matter at its session of August-September 1923. In agreement with the representatives of Poland and Czechoslovakia it decided to ask for the advisory opinion of the Court. The question submitted by the Council to the Court was as follows: "Is the question of the delimitation of the frontier between Poland and Czechoslovakia still open, and, if so, to what extent; or should

it be considered as already settled by a definitive decision (subject to the customary procedure of marking boundaries locally with any modifications of detail which that procedure any entail)?"

The Court, which met in extraordinary session to consider the matter, replied that after taking the views of both parties to the dispute it considered that the question of the delimitation of the frontier between Poland and Czechoslovakia had been settled by the decision of the Conference of Ambassadors of July 28th, 1920, and that this decision should be considered as final. It added that the decision should be applied completely and that, consequently, the fraction of the frontier in the Spiez region, topographically described in this decision should remain subject (apart from the minor changes that might be involved in the customary procedure of marking boundaries locally) to the changes provided for by Article 2, paragraph 3, of the decision of the Conference of Ambassadors. This Article stipulates that the Conference of Ambassadors reserves the right to introduce in the general line laid down any changes that might be proposed by the Boundary Commission and would appear justified by the interest of individuals or communities along the frontier taking account of special local circumstances.

The Council thus possessed the legal basis for the recommendation which the Conference of Ambassadors had asked it to make, and the representatives of the interested parties accepted the opinion of the Court.

It now remained to determine whether the changes proposed by the Boundary Commission on September 25th, 1922, were in conformity with the condition laid down in Article 2 of the decision of the Conference of Ambassadors of July 28th, 1920. The Council declared that, in its opinion, the proposals of the Commission might be based on consideration of the interest of individuals or communes along the frontier but that according to the advisory opinion of

the Court, they went beyond the powers of the Commission. The Council therefore asked the Governments represented on the Conference of Ambassadors to request the Boundary Commission to submit new proposals in conformity with the opinion of the Court and the proceedings of the Council.

Finally the Council, in its session of March 13th, 1924, traced the frontier on the basis of new proposals submitted by the Boundary Commission. The line laid down in the decision of the Conference of Ambassadors of July 28th, 1920, was slightly modified in two respects in the interest of certain Polish communes. The village of Jaworzina remained in the possession of Czechoslovakia. In order to safeguard economic interests and transit facilities for communes on both sides of the frontier, the Council recommended to the Governments concerned, as it had done on other occasions (notably in the case of the frontier between Austria and Hungary), to take into consideration the mutual interests of the frontier populations by drawing up special protocols which should constitute an integral part of the decision definitely fixing the frontier in the region of Jaworzina.

The Polish Government and the Czechoslovak Government accepted the decision of the Council.

Thus the League of Nations has been of considerable help in the final settlement of territorial questions left pending after the general carrying out of the Peace Treaties in Central Europe. Of all the frontier questions submitted to it there is only one that the League was not able to settle in a satisfactory manner, and that was the question of the frontier between Hungary and the Kingdom of the Serbs, Croats and Slovenes. In this case as distinguished from the others (the frontiers between Hungary and Austria, between Hungary and Czechoslovakia, between Poland and Czechoslovakia) the Council had no arbitral powers and was dependent on

the consent of both parties, which it proved impossible to obtain.

The typical features of the procedure followed by the Council in the settlement of these questions have been as follows: Hearing the case of both parties who, in virtue of Article 4, paragraph 5, of the Covenant, have the right, if they are not members of the Council, to be represented on the Council when it is considering questions that particularly interest them; the conferences of experts, to which sometimes are added representatives of the Boundary Commissions under the chairmanship of a representative of the Council; consultation of the competent League authorities, such as the Permanent Advisory Commission on Military, Naval and Air Questions for technical points, and the Permanent Court of International Justice for points of law.

It is true that these frontier questions were no doubt in themselves of secondary importance and that none of them affected very considerably national or even local interests. But each question had been the subject of warm discussion and some of them excited public opinion in the countries concerned to such a point as to create a state of tension and seriously affect the domestic and foreign policies of the interested Governments. By calming these feelings and putting an end to these controversies, the Council's intervention will certainly have contributed to the removal of some causes of conflict.

THE DISPUTE BETWEEN ITALY AND GREECE

ORIGIN OF THE DISPUTE.

The task of fixing the frontiers of Albania with her neighbour States was entrusted by the Conference of Ambassadors to an Inter-Allied Delimitation Commission. A delegation of this Commission composed of Italian officers had been instructed more particularly to fix the line of the frontier between Albania and Greece. It was in order to carry out this duty that General Tellini, Major Corti and Lieut. Bonaccini, on August 27th, 1923, were traversing in a motor-car a section of the Greek frontier in the neighbourhood of the Albanian frontier when they fell into an ambuscade and were assassinated, together with their chauffeur—also an Italian—and their interpreter, who was an Albanian subject.

Two days later, on August 29th, the Italian Minister at Athens forwarded to the Greek Government a note containing the following demands :

> "(1) An unreserved official apology to be offered to the Italian Government at the Royal Legation at Athens through the supreme Military Authority of Greece.
>
> "(2) A solemn memorial service for the victims of the assassination to be held in the Catholic Cathedral at Athens, and all the members of the Government to be present.
>
> "(3) Honours to be paid to the Italian flag by the Greek fleet in the port of the Piræus, represented by a naval squadron which will visit the Piræus for this special purpose : these honours to consist of a salute of 21 guns fired by the Greek warships, which will hoist the Italian flag while firing the salutes.

"(4) A drastic enquiry to be carried out by the Greek authorities at the place of the assassination in the presence of the Royal Italian Military Attaché, Colonel Perrone, for whose safety the Greek Government will be responsible; the enquiry to be carried out within five days of the acceptance of these demands.

"(5) Capital punishment for all the authors of the crime.

"(6) An indemnity of 50 millions Italian lire to be paid within five days of the presentation of this note.

"(7) Military honours to be paid to the bodies of the victims at the moment when they are placed on board an Italian vessel at Preveza".

The Italian Government requested the Greek Government to reply without delay.

The Greek Government replied on August 30th protesting against these demands, which attributed to it responsibility for the grave offence of which Italy complained. It declared that it was unable to accept the demands contained in paragraphs (4), (5) and (6) of the Italian note, as constituting an infringement of the sovereignty and honour of Greece.

Nevertheless, in view of the fact that a disgraceful crime had been committed on Greek territory against nationals of another Power entrusted with an international mission, the Greek Government offered the following satisfaction:

"(1) It will express its unreserved regret to the Italian Government, in full official form, for which purpose the Officer Commanding the Military District of Athens will call upon the Italian Minister.

"(2) It will hold a memorial service for the victims in the Catholic Church at Athens, and all the members of the Government will attend.

"(3) On the same day, honours will be paid to the Italian Government in the following form: A detachment from the garrison of Athens will parade before the Italian Legation and will salute the Italian flag with the usual honours.

"(4) All honours will be paid in the same solemn manner to the victims at Preveza when their bodies are placed on board the Italian vessel.

"The Greek Government further declares its willingness to grant fair and equitable compensation to the families of the victims, and will be glad to accept the assistance of Colonel Perrone, who may be able to contribute to the judicial enquiry, by furnishing information which will assist in tracking the authors of the crime.

"The Greek Government ventures to hope that the Italian Government will recognise the reasonableness of the attitude here expressed, the conciliatory spirit of the Greek Government and its great anxiety to give the Italian Government the fullest satisfaction."

These assurances were not deemed sufficient by the Italian Government which gave orders, on August 31st, 1923, for the occupation of the Island of Corfu, declaring, however, that this measures was of a merely temporary character and that it only constituted a pledge for the fulfilment of the reparation which Greece was expected to make.

The Conference of Ambassadors on the same day, basing its action on the fact that the victims of the crime were agents who held their mandate from the Conference, addressed a note to the Greek Government asking for an immediate

investigation and reserving to itself the right to fix indemnities.

The Council of the League of Nations was acquainted with the dispute on the following day by a letter from the representative of Greece, in which after having referred to the notes exchanged between the two Governments, and having insisted on the conciliatory character of the attitude of Greece, he asked that the question be submitted to the Council as a matter of urgency under Articles 12 and 15 of the Covenant of the League of Nations.

The Greek Government, as early as September 3rd, replied to the note of the Conference of Ambassadors, stating that its was ready to institute an enquiry, accepting in advance any decision of the Conference in respect of the reparations which were due.

The Diplomatic Solution

The Council, at its meeting of September 1st, heard the statement of the representative of Greece in support of the demand for intervention by the Council presented by his Government.

The object of this appeal under Articles 12 and 15 of the Covenant was to obtain a settlement of the dispute, and Greece declared herself ready to accept any suitable arrangement. The Greek Government, however, considered that it was necessary, first of all, to restore the situation which previously existed and to cease to resort to the procedure of coercion which had been originally initiated against her. On her side she was prepared to accept and execute in good faith any proposals made to her by the Council in order to give Italy full satisfaction.

The representative of the Italy replied by two proposals. The first was to examine how far the Council of the League

of Nations might deal with a question which was at that time before the Conference of Ambassadors and which was of particular interest to the Conference as being the authority from which the Delimitation Commission on the Greco-Albanian frontier derived its powers. The second was to adjourn the continuation of the discussion to the next meeting of the Council in order that he might receive from his Government the instructions necessary to enable him to reply to the appeal made by the Greek Government.

The representatives of the British Empire and of Sweden declared themselves in favour of the competence of the Council to deal with a dispute of this kind. Although the dispute had been placed before the Conference of Ambassadors, the matter had been duly brought before the Council by one of its Members under Articles 12 and 15 of the Covenant.

The Council concluded this first part of the discussion, after having heard the replies of the representatives of Italy and Greece, by adopting the following resolution proposed by the British representative: "The Council, in assenting to a short adjournement of the further consideration of the question, expresses the confident hope that, in the meantime, the two States concerned will commit no act which might aggravate the situation."

Though the discussion remained adjourned, the Council, at its meeting of September 4th, received from the representatives of Greece, on behalf of his Government, the following suggestions for the settlement of the dispute:

"(1) That the Council should appoint one or more neutral representatives:

"(*a*) To superintend in Greece the judicial enquiry already begun by the Greek authorities and also the trial of those responsible for the murder of the Italian officers;

"(*b*) To assist in the work of the Commission the appointment of which has been proposed by the Greek Government to the Conference of Ambassadors, in order to carry out, both in Albania and in Greece, an enquiry to establish the circumstances which preceded and accompanied the crime.

"(2) That the Council should instruct a commission composed of three high judicial authorities—a Greek an Italian and a neutral (for example, the President of the Swiss Federal Tribunal or the President of the Permanent Court of International Justice)—to meet as soon as possible at Geneva to settle the amount of the indemnities which it is just that Greece should pay to the families of the victims.

"(3) That the Council should agree that the Greek Government should forthwith deposit at a bank in Switzerland 50 million Italian lire as guarantee of the immediate payment of whatever indemnities may be decided upon."

The discussion was resumed on the following day, September 5th. The representative of Italy stated that he was now in a position to explain the point of view of his Government. It was to be observed that, as the crime of which the members of the Delimitation Commission had been victims was an offence to the dignity and honour of the Italian nation, the Italian Government, in order to ensure reparation of the moral and material injury which it had incurred, had been obliged to take securities to serve as a guarantee. As regards the aspect of the question from an international point of view, on the other hand, there was no doubt that the crime was an offence against the Conference of Ambassadors in the person of its executive agents. The Conference of Ambassadors had full competence in all that related to the execution of the Treaties and had therefore the right of securing reparation for an act which constituted a violation

of its orders and an opposition to the execution of its mandate. The fact could not be isolated from the cause, and the Italian ultimatum and the occupation of Corfu must not be considered apart from the crime which had been committed. The question of the reparation due as a result of the crime had been submitted, with the consent of Greece, to the judgment of the Conference of Ambassadors. Until the Confeence of Ambassadors, whose decision even Greece had accepted in advance, had announced its decision on the fundamental question, any discussion or any step taken by the League of Nations would be out of place owing to its clear incompetence.

The Representative of Italy further stated that strong objections might be raised even to the grounds on which the appeal of the Greek Government to the League of Nations was based. Articles 12 and 15 of the Covenant assumed that there was danger of war. There was, however, no danger of war. Italy had solemnly declared that the measures which she had taken had no hostile character and that there was not even a suspension of diplomatic relations. "The creation of the League of Nations did not constitute a renunciation by States of all right to act for the defence and safety of their rights and of their dignity... The authority of the organs of public international law—the authority even of the League of Nations, which the Italian Government had no intention to ignore—must be maintained and respected; but the first condition was that the organ itself should recognise and observe the limits of its authority."

The representative of Italy, after having repeated his statement to the effect that the peace of the world was not threatened by the act of guarantee accomplished by Italy, concluded as follows : "It was for these reasons, briefly stated and, if necessary, to be developed from the point of view of fact and of right, that the Italian Government irrevocably expressed the opinion that the Council of the League of

Nations should not proceed to take action on the request of Greece."

The Greek representative, in his reply, emphasised the arguments of fact and of law which appeared to him calculated to justify the appeal which had been addressed by his Government to the Council of the League. Greece had not sought to escape her responsibility by applying to the League. She had not endeavoured to evade the procedure which had been introduced by the Conference of Ambassadors, which considered itself a body injured by the crime. Greece owed the Conference of Ambassadors explanations and assurances which she had furnished. She had proposed to the Conference that an enquiry should be conducted by the official agents of the Conference and had undertaken to accept the conclusions of this enquiry. "But as the Conference of Ambassadors was not the only party to the case, and since Italy, in view of the attitude she had adopted, had separated herself from the Conference of Ambassadors, a separate conflict had arisen, which Greece had already submitted to the consideration of the League of Nations." For this reason, Greece had proposed to the Council that other representatives appointed by itself should be associated with those to be appointed by the Conference of Ambassadors.

The representative of Greece dealt next with the Italian point of view in regard to the character of the occupation of Corfu. In his opinion, the seizure of pledges of this character could not be justified in view of the guarantees offered by international organisations such as the Conference of Ambassadors and the League of Nations. "The Italian note had stated that the League of Nations was not competent to examine this question and that no Government would accept a solution by the League. The articles of the Covenant, however, which were read when the Council first discussed this matter, were so clear as to render any arguments superfluous... It was not necessary, as the Italian note stated,

that the two parties should agree to demand the intervention of the League of Nations. In the present case, Greece had exercised a right and had even fulfilled an obligation, for Articles 12 and 15 not only established the right to submit a dispute to the League of Nations but created an obligation for the Members of the League to appeal to it and not to commit acts of violence calcultated to disturb international peace."

The representative of Greece concluded that it was "for the Council itself to consider whether its action was ruled out by the fact that one of the interested parties stated that it did not recognise its competence."

The discussion was resumed the following day, September 6th, beginning with the reading of a telegram received from the Conference of Ambassadors, which was in the following terms :

> "At its meeting this morning the Conference of Ambassadors adopted the following resolution, which it decided to communicate immediately to the Council of the League of Nations :
>
> "The Conference of Ambassadors has considered the reply from Greece to its note regarding the murder of the Chairman of the Inter-Allied Greco-Albanian Delimitation Commission and of the other members of the Italian Military Mission in the Janina district. It has noted, in particular, that, Greece declares her willingness, if her responsibility is proved, to agree to make any reparation which the Conference may regard as just and that the Greek Government suggest the appointment of a commission of enquiry, consisting of the delegates of the three Powers represented on the Delimitation Commission, to assist actively in the work of discovering the guilty parties. The Conference of Ambassadors, recognising that it is a principle of international law that States are responsible for political crimes and outrage

committed within their territory, at once considered how the enquiry should be conducted. The next meeting of the Conference will be held not later than Friday morning next."

The representative of Spain, on behalf of several of his colleagues, submitted a text to serve as a basis of discussion whith a view to the drafting of a reply to be addressed by the Council to the communication received from the Conference of Ambassadors :

"A. The Council takes note of the communication made to it yesterday by the Conference of Ambassadors and, recognising the principle of international law according to which States are responsible for the political crimes and outrages committed within their territory, declares its intention of investigating, in conjunction with the Conference, the manner in which the enquiry should be carried out.

"It would be glad to receive information as to the deliberations of the Conference of Ambassadors on Friday next.

" B. The Council further desires to submit to the Conference for consideration the following suggestions as to the possible means of giving satisfaction to the demands of the Conference for reparations from Greece in consequence of the attack made at Janina, on Greek territory, against the Chairman and Italian members of its Commission :

"(1) The presentation of apologies by the highest Greek authorities to the Ministers of the three Powers represented on the Delimitation Commission.

"(2) The celebration of a funeral service at Athens in honour of the victims, in the presence of all the members of Greek Government.

"(3) The giving of a salute by the Greek fleet in accordance with conditions to be determined later.

"(4) The rendering of military honours when the bodies of the victims are embarked at Preveza.

"(5) The appointment by the Greek Government of a commission of enquiry to investigate on the spot the circumstances preceding and accompanying the crime; the supplementing of this commission by representatives of the three Powers concerned as mentioned in the telegram in question.

"(6) The appointment of representatives of the League of Nations to supervise in Greece the judicial enquiry already ordered by the Greek authorities and the trial of the guilty parties.

"(7) The immediate deposit by Greece in a Swiss bank of a sum of 50 million lire as security for the immediate payement of any indemnity may be fixed.

"(8) The submission to the Permanent Court of International Justice for decision, under the rules of summary procedure, of the question of the indemnity to be paid by Greece."

During the discussion which followed, the representative of Italy declared that he was not opposed to the despatch to the Conference of Ambassadors of the first part of the draft reply, but that he could not accept a text in which the Council appeared to affirm its competence to intervene even indirectly with a view to the settlement of the dispute.

The Council accordingly decided to send to the Conference of Ambassadors the first part (A) of the text proposed by the Spanish representative and to forward to the Conference on the same evening the Minutes of the meeting.

Several members of the Council, at this same meeting, made declarations concerning the interpretation given by the representative of Italy on the preceding day of certain articles

of the Covenant to which the Greek Government had referred in support of its appeal. The representatives of the British Empire, Belgium, Sweden and Uruguay stated that, in their opinion, the competence of the Council in the matter appeared to be indisputable.

When the Council resumed its discussion four days later (September 10th), its members had received communication of a telegram addressed to it on September 7th, 1923, by the Conference of Ambassadors :

> "I have the honour to request you to be good enough to place before the Council of the League of Nations the following communication from the Conference of Ambassadors :
>
> "The Conference of Ambassadors
>
> "Has receveid the communication from the Council of the League of Nations dated September 6th, 1923;
>
> "It notes that the Council has expressed a desire to receive early information upon the discussions of the Conference;
>
> "It acknowledges the high sense of justice and the anxiety to maintain good relations between the nation which have dictated this communication;
>
> "It is actuated by the same sentiments of justice and the same desire for peace as the Council of the League of Nations;
>
> "It has considered the verbatim record of the meeting held by the Council of the League of Nations on September 6th, and examined with greatest care the opinions advanced by various members of the Council at that meeting;
>
> "It thanks the Council for having supplied it with valuable material which has assisted it in forming a judgment, and has the honour to communicate to the Council the following note, which it is sending to-day to the Greek Government.

"The Conference of Ambassadors

"Has considered the notes which the Greek Government has sent it in reply to the note from the Conference regarding the murder of the Chairman of the Albano-Greek Delimitation Commission and of the other members of the Italian delegation on that Commission.

"It notes more especially that Greece declares her willingness, if her responsibility is proved, to agree to make any reparation which the Conference may regard as just, and that the Greek Government suggest the appointment of a commission of enquiry to hasten tha detection of the guilty parties;

"It observes that the crime of August 27th was committed on Greek territory and was clearly a political crime; that the victims of the crime were entrusted with an official mission by the Conference of Ambassadors in agreement with the Greek Government, whose duty it was to ensure their safety; also that they all were members of the Italian delegation to the Commission;

"It considers a crime of this nature, committed in the circumstances referred to, directly affects the responsibility of the State on whose territory it took place.

"The Conference therefore decides to require from the Greek Government the reparations and penalties specified below :

"(1) Apologies shall be presented by the highest Greek military authority to the diplomatic representatives at Athens of the three Allied Powers whose delegates are members of the Delimitation Commission;

"(2) A funeral service in honour of the victims shall be celebrated in the Catholic Cathedral at Athens in the presence of all members of the Greek Government;

"(3) Vessels belonging to the fleets of the three Allied Powers, the Italian naval division leading will arrive in the roadstead of Phalerum after 8 o'clock in the morning on the day of the funeral service;

"After the vessels of the three Powers have anchored in the roadstead of Phalerum, the Greek fleet will salute the Italian, British and French flags with a salute of 21 guns for each flag;

"The salute will be returned gun by gun by the Allied vessels immediately after funeral service, during which the flags of the Greek fleet and of the vessels of the three Allied Powers will be flown at half-mats;

"(4) Military honours will be rendered by a Greek unit carrying its colours, when the bodies of the victims are embarked at Preveza;

"(5) The Greek Government will give an undertaking to ensure the discovery and exemplary punishment of the guilty parties at the earliest possible moment;

"(6) A special commission, consisting of delegates of France, Great Britain, Italy and Japan, and presided over by the Japanese delegate, will supervise the preliminary investigation and enquiry undertaken by the Greek Government; this work must be carried out not later than September 27th, 1923.

"The Commission appointed by the Conference of Ambassadors will have full powers to take part in the execution of these measures and to require the Greek authorities to take all requisite steps for the preliminary investigation, examination of the accused and enquiry. It will submit its report and conclusions to the Conference of Ambassadors;

"The Greek Government will guarantee the safety of the Commission in Greek territory. It will afford it all facilities in carrying out its work and defray all the expenditure thereby incurred.

"The Conference of Ambassadors is forthwith inviting the Albanian Government to take all necessary measures to ensure that the Commission, duly accredited for this purpose, will be able, should it consider such action necessary, to proceed to Albanian territory and, in agree-

ment with the Albanian authorities, there conduct any investigations as are likely to assist in the discovery and punishment of the guilty persons.

"(7) The Greek Government will undertake to pay to the Italian Government, in respect of the murder of its delegates, an indemnity, of which the total amount will be determined by the Permanent Court of International Justice at The Hague, acting by summary procedure. The Court will give judgment on consideration of the report of the Commission specified in paragraph 6. This report will be transmitted by the Conference of Ambassadors, with its comments, to the Court of Justice.

"The Greek Government will deposit forthwith, as security, at the Swiss National Bank, a sum of 50,000,000 Italian lire, such deposit to be accompanied by the following instruction : 'to be paid over, in whole or in part to the Italian Government, upon the decision of the Permanent Court of International Justice at The Hague.'

"The Conference having taken note of the fact that the Italian Government confirms that the occupation of Corfu and the adjacent islands has no other purpose than that of obtaining fulfilment of the demands which the Italian Government has submitted to the Greek Government, and that these demands are covered by the above conditions laid down by the Conference, invites the Greek Government forthwith to inform, severally and simultaneously, all the diplomatic representatives of the three aforesaid Powers at Athens that it accepts these conditions in their entirety."

The President of Council had acknowledged this communication in the following terms :

"The Council of the League of Nations has the honour to acknowledge the receipt of the courteous communication from the Conference of Ambassadors dated September 7th. The Council shares the anxiety of the Conference to see .the Greco-Italian dispute settled as soon a possible. The Council is happy to

note that the documents forwarded by it have been of use to the Conference. The Council of the League of Nations thanks the Conference for having kept it informed of its discussions on this matter and hopes that it will be kept *au courant* with the results of the decision which has been taken and also with any discussions which may still take place on the subject."

The representative of Greece announced that his Government had accepted in their entirety the demands formulated in the note of the Conference of Ambassadors, insisting, however, on the evacuation of Corfu. Moreover, steps had already been taken by the Greek Government to deposit 50 million lire in a Swiss bank to be transferred in whole or in part to the Italian Government upon a decision of the Permanent Court of International Justice.

Following upon this declaration by the representative of Greece, the representative of Italy expressed his hopes for a prompt and satisfactory solution of the dispute.

On September 17th, the President of the Council informed his colleagues of a communication received from the Conference of Ambassadors announcing the settlement of the dispute between Italy and Greece. He submitted a draft reply from the Council to the Conference, which was adopted and forwarded on the same day :

"The Council of the League of Nations has taken note of the communication from the Conference of Ambassadors announcing the settlement of the dispute which arose between Italy and Greece owing to the assassination, near Janina, of General Tellini and the other members of the Italian delegation of the Greco-Albanian Frontier Commission.

"As this dispute, which was submitted to the Council by the Greek Government, gave rise to diplomatic negotiations conducted by the Conference of Ambas-

sadors, the Council considered that it was its duty to establish relations with the Conference in order to assist in the work of pacification.

"The Conference of Ambassadors has taken the following resolution :

Paris, September 13th, 1923.
10.50 p.m.

"The Conference of Ambassadors, in consideration of the desire expressed by the Council of the League of Nations to be informed of the results of the Conference's deliberations, has the honour to communicate to the Council the note which it has to-day addressed to the Greek Government. The Conference is convinced that the steps thus taken are calculated to lead to a satisfactory settlement of the situation created by the murder of General Tellini and the other members of the Italian delegation on the Albanian Frontier Delimitation Commission.

"The Conference having taken note of the acceptance by the Greek Government of the conditions set forth in the note addressed to it on September 8th, and having also noted the request submitted by the Greek Government with reference to the evacuation of the Island of Corfu, and having further taken note of the letter from the Greek Minister in Paris dated September 11th, which is principally concerned with the payment of 50 million Italian lire into the Swiss National Bank under the conditions laid down, has the honour to inform the Greek Government that the Allied Governments are no less anxious than the Greek Government to bring to an early conclusion the abnormal situation created by the crime committed on August 27th, and that the evacuation of Corfu will take place as soon as the conditions laid down in the note of September 8th have been fulfilled in the following manner :

"(1) The Allied Diplomatic Representatives at Athens will fix, in consultation with the Greek Government, the date on which they are to receive the expressions of

regret for which provision is made in the Conference's note and which will be offered not later than September 18th. (2) The funeral service in honour of the victims will be held at Athens on September 19th at 10,30 a. m. (3) The warships of the three Allied Powers will arrive in the harbour of Phalerum on the same day, and the details regarding the fulfilment of the third condition will be communicated to the Greek Minister in Paris. (4) Honours will be paid to the bodies of the victims on September 19th, on which day they will be placed on board ship at Preveza. (5) The Inter-Allied Commission of Control will enter upon its work at Janina on September 17th; not later than five days after its arrival, it will submit a telegraphic report on its initial conclusions.

"Should the authors of the crime not yet have been traced, the Commission will state under what conditions its investigations have been carried out, and the Conference, having seen the report, will decide whether the fifth condition contained in its note of September 8th can be regarded as having been fulfilled. Should this condition not have been fulfilled, in view of the Italian Government's statement that it would, in any event, evacuate Corfu on September 27th, the date fixed by the Conference of Ambassadors for the conclusion of the Greek enquiry, the Conference reserves the right to notify Greece of any other measures of a coercive or punitive nature which may be taken against her by the Allied Powers. Such measures may consist, in particular, in the payment to Italy of a sum of fifty million lire, and in that case the Conference will request the Permanent Court of International Justice at The Hague to restore to Greece the security deposited by her, and no further application will be made to The Hague, as stated in paragraph 7 of the note of September 8th, unless any special application is made to the Court by Italy for charges entailed by the occupation."

"The Council takes note of this resolution and welcomes the fact tha it puts an end to a situation which has aroused intense anxiety."

The representatives of Sweden and the British Empire expressed their satisfaction at the happy solution of the dispute and, after having explained the reasons which had made it seem preferable to await the end of the dispute before undertaking the examination of the legal questions, expressed the view that this examination would dissipate all confusion regarding the questions on the interpretation of the Covenant raised during the discussions.

On the following day, the representative of Italy, after having explained the Italian point of view and replied to the observations which had been made on various legal points, declared that he would raise no objection to the proposal that the questions of principle and those on the interpretation of the Covenant should be studied apart altogether from the solution of the special case which the Council had just examined (1).

MEMEL

This question was brought before the Council of the League of Nations by the Conference of Ambassadors, which on September 25th, 1923, "called the attention of the Council to the situation created by the attitude of the Lithuanian Government."

The territory of Memel which is situated at the mouth of the Niemen between East Prussia and Lithuania, had, up to January 10th, 1920, belonged to Germany. By the Treaty of Versailles it was handed over to the Principal Allied and Associated Powers, leaving them free to dispose of it as they might think fit.

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(1) See Annex

In the reply made in May. 1919.by the Principal Allied and Associated Powers to the observations of the German Delegation at the Peace Conference with regard to the provisions of the Peace Treaty, it had been stated that this territory was to be detached from Germany because the majority of the population was Lithuanian and because the Port of Memel was the natural outlet of Lithuania (1)

From the Peace Conference until the beginning of the year 1923, the Memel Territory was administered by a Representative of the Allies.

On January 8th, 1923, Memel was seized by a certain group of Lithuanians. The troops of occupation received orders to withdraw in order to avoid bloodshed, and a *de facto* government took possession of the territory. The Conference of Ambassadors immediately sent a Commission of Enquiry to the spot. On February 16th, 1923, the Conference of Ambassadors decided under certain conditions to transfer to Lithuania the rights which the Allied and Associated Powers held under the Treaty of Versailles. These conditions were as follows :

> "The establishment in the Memel Territory of an autonomous government and popular representation, together with institutions officially recognising the two languages in common use and respecting the principle of the equality of all the inhabitants of whatever race, language or religion, and of equality of treatment as between nationals and foreigners in the exercise of civil rights and in commerce.
>
> "Organisation of freedom of sea, river and land transit, due regard being paid to the interests of the Lithuanian and Polish districts for which Memel is the natural outlet, the Port of Memel to be placed

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(1) The Lithuanian State had not yet been recognised by the Powers.

under an economic administration which will contribute to its development and which will provide every guarantee, in particular by the establishment of a free zone and by the appointment of duly qualified representatives, that the Lithuanian and Polish districts concerned will be given at that port the necessary commercial facilities.

"The Memel Territory to refund, under the guarantee of Lithuania, the expenditure incurred on account of its administration and occupation not yet recovered.

"All goods and properties situated in the Territory and formerly belonging to the German Empire or to the other German States to be transferred to Lithuania or to the Territory, provided that Lithuania takes over for herself and for the Territory the charges laid down in Articles 254 and 256 of the Treaty of Versailles.

"As soon as Lithuania accepts sovereignty over the Memel Territory upon the foregoing conditions, the Conference of Ambassadors, whith the assistance of representatives of Lithuania and of the Territory concerned, will draw up at Paris an Organic Statute for the Memel Territory and conclude a Convention with Lithuania in conformity with the present decision."

Lithuania having accepted these principles, the Conference drew up a Convention with a view to applying them. Lithuania, however, did not see its way to accept certain clauses of this Convention and made counter proposals.

The negotiations were not successful, and the Powers represented on the Conference of Ambassadors therefore decided to refer the matter to the League of Nations, basing their action on Article 11 of the Covenant.

The Memel Commission.

The difficulties to be overcome were of two kinds : technical, since questions concerning transit had to be settled and the régime of a port international concern had to be organised; political and moral, because Poland, which administered part of the territory of which Memel was the natural outlet, had an interest in this question which had been recognised by the Conference of Ambassadors; and because the relations between Poland and Lithuania were not satisfactory. To obtain advice which should be both competent and impartial, the Council decided to refer the question to a Commission of three members, two of whom should be appointed by the Chairman of the League of Nations Committee for Communications and Transit. The third, who was to be Chairman of the Commission, was to be appointed by the Council. All three were to belong to nations other than those in which the sovereignty of Memel was at that moment vested.

Mr. Norman Davis was appointed by the Council as Chairman of the Commission. He was a member of the American Delegation to the Peace Conference in 1919, was Assistant Secretary of the Treasury in President Wilson's Cabinet, and in 1920-21 Under Secretary of State at Washington. The other members of the Commission were Mr. Kröller, a member of the Economic Council of the Netherlands Ministry for foreign Affairs, and Mr. Hoernell, Consulting Engineer and member of the Stockholm Academy of Technical Sciences. The Commission was instructed to endeavour, by a close study of the draft Conventions submitted by both sides and of all the relevant facts, to find some means of overcoming the difficulties which had arisen.

It was understood that all proposals made by the Commission should be in conformity with the principles laid down

by the Conference of Ambassadors on February 16th, 1923 and accepted by the Lithuanian Government. At the opening meeting of the Commission at Geneva its Chairman, Mr. Norman Davis, made the following statement with regard to the most important aspects of the problem :

"The serious conflicts between the view-points of the Conference of Ambassadors and the Lithuanian Government have arisen primarily over the method of giving practical application to the decision of February 16th, 1923. The two parties in interest have not been able to reach agreement, on the organisation of the Port of Memel and the regulation of traffic by sea and land. The Council of the League has recognised this by arranging that two members of this Commission should be chosen for their special knowledge of such technical problems.

"The Niemen River and the Port of Memel, which is its outlet, are of international importance. No one of the nations which occupies some section of such a waterway has any right or any advantage to block the legitimate economic development of the other nations along its course. And in these modern days no river or port is sufficient unto itself. To render its full service to mankind it must be part of a co-ordinated system of land transportation, of postal and telegraphic communications.

"It is my hope that we will be able to work out a project for the organisation of the freedom of transit on this important waterway, in accordance with the decision of the 16th of February, which will be just, and enhance rather than injure the valid interests of all concerned, and so obviously tending to the rapid development of the wealth of the harbour, the river and the hinterland that it will be readily accepted and acquiesced in by all the parties in interest.

"In the past, for political reasons—largely because it was a frontier river—the Niemen has been neglected. Only by imagination, by faith in the future, can the people who live along the shores of this river realise its potentialities. We must strive to remove, as far as may be, artificial impediments, which thwart the wealth-giving development of this waterway."

The Commission then proceeded to Memel, where it heard representatives of all the institutions and corporations of that city. At Kovno and Warsaw the Commission interviewed members of the Lithuanian and Polish Governments. Conversations with representatives of the interested parties, with a view to the preparation of a satisfactory text, opened at Geneva on February 19th. When the Council of the League of Nations met on March 10th, the draft Convention was ready and the terms were accepted by the Lithuanian Government.

On March 15th, the Council, after having heard Mr. Norman Davis, President of the Commission, and M. Galvanauskas, Prime Minister of Lithuania, adopted the text submitted to it. The representatives of the Principal Allied Powers and the representatives of Lithuania expressly stated that they accepted it in the name of their respective Governments.

M. Skirmunt, representative of Poland, had previously stated to the Council that his Government desired certain modifications to be made in the Convention, particularly with a view to establishing a Polish zone in the Port of Memel, setting up an economic supervisory Council with a Polish member, and immediately re-establishing free transit between Poland and the Port of Memel, both for passengers and for goods. He stated that as these modifications had not been accepted, he was unable to accept the draft Convention and that all he could do was to submit it to his Government.

The principles which guided the Commission in its work were defined by Mr. Norman Davis in the report which he submitted on behalf of the Commission, and in the statement which he made to the Council on that occasion :

> "The Allied and Associated Powers (it was stated) had separated the Memel district from the German Empire for a very definite purpose—that the port of Memel might serve as an outlet to Lithuania and all the territory of the Niemen basin; and therefore there was a specific moral responsibility on the Allied Powers to see that it was used for this purpose. The Commission felt that it could not negotiate nor recommend to the Council of the League of Nations any agreement or solution which failed to provide proper safeguards for an efficient administration of the Port of Memel, equal and adequate facilities for all trade and commerce in the port, and an outlet for the economic life of the entire hinterland.
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> "Considering the large body of international law in regard to the rights and duties of racial minorities which has been created by treaty contract since the war, the Commission felt that it could not recommend to the Council of the League of Nations any project for the transfer of sovereignty over the Memel Territory to Lithuania which did not offer the fullest protection to the non-Lithuanian population of the Territory and autonomy to the peoples in the Territory who had for several centuries lived under laws and customs different from those of the rest of Lithuania."

Mr. Norman Davis explained to the Council that the Committee, when endeavouring to arrive at a settlement, had taken particular care to avoid entering into any politica' controversy.

In fact, in the opinion of the Commission, the only way to reach a settlement of the Memel question was to isolate

it, as far as possible, from other controversies which, nevertheless, remained an important factor in the solution of the transit problem.

"The agreement with the Lithuanian Government at which the Commission has arrived," said Mr. Norman Davis, "is in conformity with the decision of the Conference of Ambassadors of January 16th, 1923. We believe that our draft Convention is a sound one, because the carrying out of its provisions is to the interest of Lithuania; it is to the interest of Lithuania to secure a clear title to the Memel Territory. It is to the interest of Lithuania as well as of the people of the Territory to have an effective autonomous government in the Territory. The same applies to traffic on the Niemen.

"On the other hand, the Commission fully and cordially recognises that Poland has economic interests in this district, and it has done everything in its power to safeguard them.

"I do not know of any formula by which goodwill can be created by statute or treaty, no do I know of any legal machinery which, by itself, could render normal economic and commercial relations possible.

"If the proposed settlement is accepted in the proper spirit by all parties concerned, it can and should create a better political situation and bring about in the very near future a friendly understanding and co-operation, which would be distinctly to the advantage of all the people in the Baltic districts."

The texts submitted to, and accepted by, the Council include a general convention, regulating the position as established by treaty between the Allied Powers and Lithuania, and three annexes, one of which deals with all questions concerning the autonomy of the Memel Territory, another with the organisation of the Port, and the third with freedom of

transit on the Niemen. There is also a stipulation of a temporary nature providing for the coming into force of the Convention.

This general Convention lays down the conditions under which the Allied Powers transfer to Lithuania al lrights and titles over the Memel Territory. Among other things it fixes the conditions under which the cost of occupation, administration and delimitation of the Territory is to be paid, it provides for the transfer of property, the right of option for former German nationals and the acquisition of Lithuanian nationality by the same nationals, the protection of minorities, and the rights of individuals and associations owing allegiance to foreign Powers.

Article 1 of the Statute of the Memel Territory lays down that the Territory shall constitute under the sovereignty of Lithuania a unit organised on democratic principles, enjoying legislative, judicial, administrative and financial autonomy within the limits prescribed in the Statute. This Statute defines the status of the local authorities, their duties and their powers.

The President of the Lithuanian Republic shall appoint a Governor of the Memel Territory. Legislative power shall be exercised by a Chamber of Representatives elected by universal, legal, direct and secret vote. The Directorate shall exercise the executive power in the Territory of Memel. It shall consist of not more than five members, including the President, and shall be composed of citizens of the Territory.

There is a special provision in the Statute recognising both the Lithuanian and German languages as official languages in the autonomous territory.

The Port of Memel shall be regarded as a Port of international concern. The recommendations adopted by the Bar-

celona Conference with regard to Ports under international régime shall be applied in that port.

The administration, the working, the upkeep and the development of the Port of Memel shall be entrusted to a Harbour Board, which shall consist of three members, one representing Lithuanian economic interests, one representing the economic interests of the Memel Territory, and a third to watch over the international economic interests served by the Port, and particularly those of the districts of which Memel is the outlet to the sea. The Harbour Board shall maintain the present free zone and shall provide such additional accommodation as traffic in transit may require.

In the annex dealing with transit, the Lithuanian Government undertakes to ensure the freedom of transit by sea, by water and by rail of traffic coming from or destined for the Memel Territory or in transit through that territory, and undertakes to conform in this respect with the rules laid down by the Statute and Convention on the Freedom of Transit, adopted by the Barcelona Conference.

The Lithuanian Government, recognising the international character of the River Niemen and traffic thereon, and the general economic benefits to be derived from the exploitation of the forests in the Lithuanian and other districts in the Basin of the Niemen, for which Memel is the natural outlet, also undertakes to permit and to grant all facilities for the traffic on the river to, from or in the Port of Memel, and not to apply in respect of such traffic on the ground of the present political relations between Lithuania and Poland the stipulations of Articles 7 and 8 of the Statute of Barcelona on the Freedom of Transit and Article 13 of the Barcelona Recommendations relative to ports placed under an international régime (1). This provision is intended to

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(1) See the text of the said Articles :

Article 7 of the Statute. — "The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the

ensure the immediate resumption of the river traffic and particularly of the timber traffic consigned to Memel, which has been interrupted since the territorial dispute between Poland and Lithuania.

Lastly, by the temporary provision already referred to, Lithuania undertakes, immediately on ratifying the Convention and without waiting for its ratification by the other Contracting Parties, to give effect to all the provisions of the Convention and its annexes. On the other hand, the British Empire, France, Italy and Japan declare themselves ready on the ratification of the Convention by Lithuania to recognise as lawful any acts of sovereignty on the part of the Lithuanian Government in the Territory of Memel. This temporary provision, which is of an exceptional nature, since it provides for the coming into force of the Convention before its ratification by all the Signatories, allows Lithuania to enjoy immediately the advantages which are granted to her by this Convention, and it also enables the Principal Allied Powers to assure themselves that the Convention is being put into force.

Several of the stipulations of the Convention and its annexes provide for action by the League of Nations.

Article 17 of the Convention is the most characteristic in this respect. It reads as follows:

> "The High Contracting Parties declare that any Member of the Council of the League of Nations shall

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safety of the State or the vital interests of the country may in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above Articles; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

Article 8. — "This Statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The Statute shall, however, continue in force in time of war so far as such rights and duties permit.

Article 13 of the Recommendations. — "These provisions do not prescribe the rights and duties of belligerents and neutrals in time of war. They shall, however, continue in force in time of wat so far as such rights and duties permit."

be entitled to draw the attention of the Council to any infraction of the provisions of the present Convention.

"In the event of any difference of opinion in regard to questions of law or of fact concerning these provisions between the Lithuanian Government and any of the Principal Allied Powers Members of the Council of the League of Nations, such difference shall be regarded as a dispute of an international character under the terms of Article 14 of the Covenant of the League of Nations. The Lithuanian Government agrees that all disputes of this kind shall, if the other party so requests, be referred to the Permanent Court of International Justice. There shall be no appeal from the Permanent Court's decision, which shall have the force and value of a decision rendered in virtue of Article 13 of the Covenant."

The declaration in respect of the protection of minorities which Lithuania made before the Council of the League of Nations on March 12th, 1922, and the procedure adopted by the Council in regard to petitions dealing with the protection of minorities shall equally apply to minorities in the Territory of Memel.

The Chairman of the League of Nations Committee for Communications and Transit shall appoint the third member of the Memel Harbour Board. A copy of the Harbour Board's annual report shall be forwarded to the League of Nations Committee for Communications and Transit. Any proposed alteration in the composition or powers of the Harbour Board, or modification of the plan provided for the administration of the Port of Memel, must be approved by a majority of the Council of the League of Nations, and the same applies to any modifications in the annex dealing with transit.

The Chairman of the Leagus of Nations Economie and Financial Committee shall, if necessary, appoint an arbitrator to settle the question of the payment of the cost of the occupation, administration and delimitation of the Memel Territory.

The Council, when proposing a solution for this difficult problem, has endeavoured at the same time to protect the interest of the Lithuanian State, of the population of the Territory and City of Memel, part of which is German-speaking, and also the interest of that Hinterland, both Polish and Lithuanian, of which Memel is the natural outlet.

With a few verbal alterations, the Convention was adopted by the Conference of Ambassadors and was signed by the Allied Governments and the Lithuanian Government in the month of May.

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Notable amongst other questions before the League at the present time is the difference between Great Britain and Turkey regarding the frontier line between Turkey and Iraq. Both States have undertaken beforehand to accept the Council's final decision, and a Commission of three, which has been appointed to investigate and report to the Council, is now engaged upon its enquiries. Its programme includes visits to London, Angora, and the area in question.

ANNEX

Interpretation of certain Articles of the Covenant.

The representative of Japan, President of the Council, during the eighteenth meeting of the fourth Assembly on September 28th, 1923, made the following declaration :

"I am charged by my colleagues to inform the Assembly that the Council passed the following resolution at its meeting this afternoon :

"At its meeting of September 22nd, 1923 the Council asked a committee of Jurists to formulate questions with regard to certain points concerning the interpretation of the Covenant and other matters of international law which the Council had had under consideration.

"The Committee submitted to the Council on September 26th the following questions :

Question 1.

"Is the Council, when seized, at the instance of a Member of the League of Nations, of a dispute submitted in accordance with the terms of Article 15 of the Covenant by such a Member as 'likely to lead to a rupture', bound, either at the request of the other party or on its own authority, and before enquiring into any point, to decide whether in fact such description is well founded?

Question 2.

"Is the Council, when seized of a dispute in accordance with Article 15, paragraph 1, of the Covenant, ad the instance of a Member of the League of Nations, bound, either at the request of a party or on its own authority, to suspend its enquiry into the dispute, when, with the consent of the parties, the settlement

of the dispute is being sought through some other channel?"

Question 3.

"Is an objection founded on Article 15, paragraph 8, of the Covenant the only objection based on the merits of the dispute on which the competence of the Council to make an enquiry can be challenged?"

Question 4.

"Are measures of coercion which are not meant to constitute acts of war consistent with the terms of Articles 12 to 15 of the Covenant when they are taken by one Member of the League of Nations against another Member of the League without prior recourse to the procedure laid down in those articles?"

Question 5.

"In what circumstances and to what extent is the responsibility of a State involved by the commission of a political crime in its territory?"

"The Members of the Council being in agreement that any dispute between Members of the League likely to lead to a rupture is within the sphere of action of the League, and that, if such dispute cannot be settled by diplomacy, arbitration or judicial settlement, it is the duty of the Council to deal with it in accordance with the terms of Article 15 of the Covenant: the Council decides that these questions shall be referred to a Special Committee of Jurists for an opinion as to the answers to be given.

"The Council resolves that the report of the Special Committee of Jurists shall be submitted to it in time for consideration at its session in December. Each Member of the Council may nominate within a period of 15 days a jurist to be a member of the Committee

The members thus nominated, together with the Director of the Legal Section of the Secretariat, will constitute the Special Committee of Jurists."

The Committee of Jurists contemplated by this resolution of the Council was constituted as follows : M. ADATCI (Japan), Lord BUCKMASTER (Great Britain), Dr. Enrique BUERO (Uruguay), M. F. de Castello BRANCO-CLARK (Brazil), M. FROMAGEOT (France), Dr van HAMEL (Director of the Legal Section of the Secretariat), M. Vittorio ROLANDI RICCI (Italy), M. Oesten UNDEN (Sweden), Marquis de VILLA URRUTIA (Spain), and M. de VISSCHER (Belgium).

This Committee, of which M. Adatci was Chairman, met on January 18th, 1924, and finished its work on January 24th. In a letter dated January 24th, M. Adatci informed the President of the Council of the replies on which the jurists had reached agreement.

These replies were as follows :

Reply to the First Question.

"The Council, when seized, at the instance of a Member of the League of Nations, of a dispute submitted in accordance with the terms of Article 15 of the Covenant by such a Member as 'likely to lead to a rupture', is not bound, either at the request of the other party or on its own authority, and before enquiring into any point, to decide whether in fact such description is well founded.

"The Council may at all times estimate the gravity of the dispute and determine the course of its actîon accordingly."

Reply to the Second Question.

"Where, contrary to the terms of Article 15, paragraph 1, a dispute submitted to the Council on the application of one of the parties, where such a dispute

already forms the subject of arbitration or of judicial proceedings, the Council must refuse to consider the application.

"If the matter in dispute, by and agreement between the parties, has already been submitted to other jurisdiction before which it is being regularly proceeded with, or is being dealt with in the said manner in another channel, it is in conformity with the general principles of law that it should be possible for a reference back to such jurisdiction to be asked for and ordered."

Reply to the Third Question.

"Where a dispute likely to lead to a rupture is submitted to the Council, on the application of one of the parties, in accordance with the provisions of Article 15, paragraph 1, the case contemplated in paragraph 8 of Article 15 is the only case in which the Council is not to enquire into the dispute.

"In particular, the reservations commonly inserted in most arbitration treaties cannot be pleaded as a bar to the proceedings.

"The Committee considers it desirable to observe that, where the case arises, the Council should, in determining the course of its action, have regard to international engagements, such as treaties of arbitration or regional understandings, for securing the maintenance of peace."

Reply to the Fourth Question.

"Coercive measures which are not intended to constitute acts of war may or may not be consistent with the provisions of Articles 12 to 15 of the Covenant, and it is for the Council, when the dispute has been submitted to it, to decide immediately, having due

regard to all the circumstances of the case and to the nature of the measures adopted, whether it should recommend the maintenance or the withdrawal of such measures."

Reply to the Fifth Question.

"The responsibility of a State is only involved by the commission in its territory of a political crime against the persons of foreigners if the State has neglected to take all reasonable measures for the prevention of the crime and the pursuit, arrest and bringing to justice of the criminal.

"The recognised public character of a foreigner and the circumstances in which he is present in its territory, entail upon the State a corresponding duty of special vigilance on his behalf."

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The Council of the League of Nations, on March 13th, 1924, unanimously approved the replies of the Special Commission of Jurists.

During the examination of the report of the Commission statements were made by the Members of the Council, explaining their point of view.

M. Hanotaux, on behalf of the French Government, approved the replies as a whole, and the terms in which they were expressed. M. Quinones de Leon made a similar declaration on behalf of the Spanish Governement.

Lord Parmoor, on behalf of the British Governement, declared that he approved the answers of the Commission without reservations of any kind.

On behalf of the Belgian Government, M. Melot stated that he appreciated highly the excellent work done by the Commission of Jurists and accordingly supported, wholly and unreservedly, the report before the Council.

Viscount Ishii, on behalf of the Japanese Government, declared that he approved and accepted, as a whole and unconditionally, the replies of the Commission, adding that, in his opinion, in the present conditions of international law, no more perfect or satisfactory reply could be anticipated.

On behalf of the Czechoslovak Government, M. Benes stated that in view of the subtlety of the legal formulæ contained in the Report, the diversity of case which might be brought before the Council, and the doubt as to the precise legal meaning of the word "approves", he would have preferred that the Council "take note" of the Report. It that case, however, he would have added the firm conviction that the Report formed a solid basis for the solution of questions with which the Council might be called upon to deal.

M. Salandra stated that the Italian Government approved the Report. It hoped that its approval would be regarded as a proof of its loyal adhesion to the essential principles of the Covenant, and of its desire that the League should continue to develop its useful work for the maintenance of peace and of the best possible relations between civilised nations.

M. Souza Dantas (Brazil) reminded the Council that the traditional policy of his Government was in favour of arbitration. He emphasised that Brazil would invariably resort either to arbitration, to peaceful procedure as laid down in the treaties she had signed, or to one of the procedures laid down in the Covenant of the League, to which Brazil was a party and the obligations of which Brazil intended faithfully to execute.

M. Branting (Sweden), while approving the report, said that, with regard to the reply to the fourth question, the

Commission of Jurists had not specified the cases in which coercive measures were legitimate or not. He added that the Swedish Government would have wished this question to be referred to the Permanent Court of International Justice, and declared that his Government continued to be of the opinion that the use of armed forces was not compatible with the Covenant in the circumstances specified in the fourth question.

M. Guani (Uruguay) said that his Government would have preferred a clearer reply to the fourth question, defining, for example, more precise lymeasures to be considered as "measures of coercion not intended to constitute acts of war." He further pointed out that, in conflicts of this nature in the history of the American nations, the point of view adopted—even before the signature of the Covenant—clearly tended towards the exclusion of reprisals and towards settlement by arbitration of all international disputes.

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The resolution adopted by the Council of the League was as follows :

> "The Council, having noted the replies of the special Committee of Jurists to the questions raised in the resolution of the Council dated September 28th, 1923, approves those replies as a whole.
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> "It further decides that the text of the present resolution, together with the text of the replies, shall be communicated to all the States Members of the League of Nations."

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